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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9978

TRANSFER OF THE DISTRICT LAND OFFICES AT BLACKFOOT AND COEUR D'ALENE, IDAHO, TO BOISE, IDAHO

By virtue of the authority vested in me by sections 2251 and 2252 of the Revised Statutes of the United States (43 U. S. C. 126 and 121), and upon the recommendation of the Director of the Bureau of Land Management, Department of the Interior, approved by the Secretary of the Interior, it is hereby ordered as follows:

1. The district land offices at Blackfoot and Coeur d'Alene, Idaho, shall be discontinued, and the business and necessary archives of those offices shall be transferred to and consolidated in a new district land office which shall be established and maintained at Boise, Idaho.

2. This order shall become effective at the close of business on August 13, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 17, 1948.

[F. R. Doc. 48-6521; Filed, July 19, 1948; 10:16 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 42—EGGS AND EGG PRODUCTS (STANDARDS AND GRADES)

U. S. SPECIFICATIONS AND WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

On April 28, 1948 notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 2294) regarding the proposed issuance of United States Specifications and Weight Classes for Consumer Grades for Shell Eggs. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice and pursuant to the Department of Agriculture Appropriation Act, 1949 (Public Law 712, 80th Congress), *It is hereby ordered*, That the United States Specifications and Weight Classes for Consumer Grades for Shell Eggs shall, on and after 30 days from the date of publication of this document in the FEDERAL REGISTER, be as set forth below. These grades are based upon the United States Standards for Quality for Individual Shell Eggs (13 F. R. 1359), and will supersede the United States Specifications and Weight Classes for Consumer Grades for Shell Eggs that were approved on September 17, 1947, to become effective on December 1, 1947.

§ 42.2 *United States specifications and weight classes for consumer grades for shell eggs*—(a) *General.* These grades are applicable to eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. Reference in these standards to the term "case" means standard 30 dozen egg cases as used in commercial practice in the United States. Terms used herein that are defined in the United States standards for quality of individual shell eggs (§ 42.1, 13 F. R. 1359) have the same meaning herein as in those standards. Eggs graded on the basis of these consumer grades shall conform as nearly as possible to the specifications and weight classes set forth herein. An aggregate tolerance of 20 percent is permitted within each consumer grade only as an allowance for variable efficiency and interpretation of conscientious graders, normal changes under favorable conditions during reasonable periods between grading and inspection, and reasonable variation from inspector's interpretation.

Within the maximum tolerance permitted an allowance will be made at receiving points or shipping destination for ½ percent leakers in U. S. Consumer Grades AA, A, and B, and 1 percent in Grade C.

Eggs with stained shells but otherwise conforming to the specifications of U. S. Consumer Grade A or U. S. Consumer Grade B may be classified as U. S. Consumer Grade A, Stained, or U. S. Consumer Grade B, Stained, respectively.

In lots of more than 30 cases no individual case may fall below 70 percent of

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.

Substitution of higher qualities for the lower qualities specified is permitted.

(b) *Specifications.* (1) "U. S. Consumer Grade AA" shall consist of edible eggs of which at least 80 percent are AA Quality, 15 percent may be A Quality, and not over 5 percent may be of the qualities below A, in any combination, but not including Dirties.

(2) "U. S. Consumer Grade A" shall consist of edible eggs of which at least 80 percent are A Quality or better, 15 percent may be B Quality, and not over 5 percent may be of the qualities below B, in any combination, but not including Dirties.

(3) "U. S. Consumer Grade B" shall consist of edible eggs of which at least 80 percent are B Quality or better, 10 percent may be C Quality or Stained, in any combination, and not over 10 percent may be Dirties or Checks in any combination.

(4) "U. S. Consumer Grade C" shall consist of edible eggs of which at least 80 percent are C Quality or Stained, in any combination, or better, and the balance may be Dirties or Checks in any combination.

(5) "No grade" eggs of possible edible quality that fail to meet the requirements of an Official or Tentative U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs are classed as "No Grade."

A summary of specifications for U. S. Consumer Grades for Shell Eggs follows:

TABLE I—SUMMARY OF SPECIFICATIONS FOR U. S. CONSUMER GRADES FOR SHELL EGGS

U. S. Consumer Grade	At least 80 percent (lot average) [1] must be—	Tolerance permitted [2]	
		Percent	Quality
Grade AA	AA quality	15 to 20, not over 5 [3]	A, B, C, stained, or check.
Grade A	A quality or better	15 to 20, not over 5 [3]	B, C, stained, or check.
Grade B	B quality or better	10 to 20, not over 10 [3]	C, or stained, dirty or check.
Grade C	C quality or better	Not over 20	Dirty or check.

[1] In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.

[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grades AA, A, and B, and 1 percent in Grade C.

[3] Substitution of higher qualities for the lower qualities specified is permitted.

(c) *Weights.* The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table II hereof and apply to all consumer grades.

TABLE II—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	*Pounds*	*Ounces*
Jumbo	30	56	29
Extra large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	

(d) *Tolerances.* Minimum weights listed for individual eggs at the rate per dozen are permitted in various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum with thorough consideration given to variable weight of individual eggs and variable efficiency of graders and scales which should be maintained on a uniform and accurate basis. (Pub. Law 712, 80th Cong.)

Done at Washington, D. C., this 14th day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-6463; Filed, July 19, 1948; 8:54 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[9th Rev. B. E. P. Q. 386]

PART 301—DOMESTIC QUARANTINE NOTICES

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE; ADMINISTRATIVE INSTRUCTIONS AND ARTICLES EXEMPT FROM CERTIFICATION

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the gypsy moth and brown-tail moth quarantine (7 CFR, 1945 Supp., 301.45), the administrative instructions exempting certain articles from certification (7 CFR, 1946 Supp., 301.45a; B. E. P. Q. 386, 8th Rev.), are hereby further revised to read as follows:

§ 301.45a *Administrative instructions; articles exempt from certification.* The following articles, the interstate movement of which is not considered to constitute a risk of gypsy moth or brown-tail moth dissemination, are hereby exempted from the requirements of the regulations of the quarantine:

(a) *Plants and cuttings.*

Acacia cuttings *Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Boxwood cuttings (*Buxus sempervirens*).
California peppertree cuttings (*Schinus molle*).
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
Eucalyptus cuttings (*Eucalyptus globulus*).
Evergreen smilax cuttings (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax cuttings (*Galax aphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (*Erica* spp. *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solanum capsicastrum, S. pseudocapsicum, S. hendersoni*).
Leaves of deciduous or evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens, Viscum album*, etc.)
Oregon huckleberry cuttings (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Salal cuttings, known to the trade as lemon cuttings (*Gaultheria shalion*).
Strawberry plants (*Fragaria* spp.)
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria procumbens, Pyrola* spp.).
Wood and birch bark novelties, when waxed, polished, or otherwise treated, to eliminate pest risk.
All woody plants or parts thereof that have been grown in the greenhouse throughout the year and when labeled on the outside of the container to show that the contents were greenhouse grown.

(b) *Quarry products.*

Stone and quarry products when processed by grinding and pulverizing.

Vermiculite (variously termed zonolite or mica-gro) when exfoliated or expanded and when packaged in closed containers.

(c) *Timber products.* The following materials are exempted from regulation when they have met the conditions as specified below for each and when invoices and waybills, covering bulk carload or less-than-carload shipments, bear a notation to the effect that the consignor certifies that the contents of the shipment have been produced under conditions which entitled the material to exemption as specified in the Federal gypsy moth quarantine regulations or administrative instructions issued in connection therewith:

Sawdust that has been (1) produced in established, nonportable, commercial sawmills from boards or other timber previously sawed four sides, (2) subsequently blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle, (3) protected from infestation prior to shipment.

Shavings that have been either (1) produced by planers having 6 or more blades, or (2) blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle; and in either case protected from infestation prior to shipment.

Wood flour, pulverized wood, or ground wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161)

This revision supersedes B. E. P. Q. 386, 8th Revision, effective March 18, 1946 (7 CFR, 1946 Supp., 301.45a).

These instructions shall be effective July 19, 1948, and shall thereafter remain in effect until further modified or revoked.

Since these administrative instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of July 1948.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48-6430; Filed, July 19, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

NEW MEXICO

CROSS REFERENCE: For order revoking in part Executive Order No. 8874 of August 28, 1941, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for use of the War Department, which order affects the tabulation contained in § 501.1 see Public Land Order 496 in the Appendix to Chapter I of Title 43, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5431]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RICHARD COLGIN CO., INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.48 (a) *Disparaging competitors and their products—Competitors—Discontinuance of operations:* § 3.48 (a) *Disparaging competitors and their products—Competitors—Reliability, history and financial condition:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—History:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Stock or product:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages.* In connection with the offering for sale, sale, and distribution of meat-curing and meat-preservative and seasoning products in commerce, representing, directly or by implication, (1) that respondent Richard Colgin Company, Inc., is an old concern or that it has been in business for any period of time greater than is actually the fact; (2) that respondent Richard E. Colgin has been engaged in the manufacture of meat-curing and meat-preservative products for approximately fifty years or any other period of time unless said respondent has actually been actively engaged in such manufacture during the period of time specified; (3) that the respondents are successors to the business established by Saladin E. Colgin, Sr., or that they are the sole or exclusive distributors of the products developed or patented by the said Saladin E. Colgin, Sr.; (4) that the Figaro Co., Inc., is out of business or that its financial condition is such that it cannot fill orders, or that the respondents are successors to the Figaro line of products or that such products can be purchased only from the respondents; or (5) that respondents own, operate, or control any warehouse when respondents' warehousing activities are limited to the use of the facilities of bonded warehouses in which they have no financial interest; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Richard Colgin Company, Inc. et al., Docket 5431, May 13, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 13th day of May, A. D. 1948.

In the Matter of Richard Colgin, Company, Inc., a Corporation, and Richard E. Colgin, an Individual, Doing Business Under the Trade Names and Styles of Richard Colgin Company, and Dixie Smoke Products Co., and as an Officer of Richard Colgin Company, Inc., and Hardy-Colgin Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Richard Colgin Company, Inc., a corporation, and its officers, and respondent Richard E. Colgin, an individual, trading as Richard Colgin Company or under any other trade name, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of meat-curing and meat-preservative and seasoning products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondent Richard Colgin Company, Inc., is an old concern or that it has been in business for any period of time greater than is actually the fact.

2. That respondent Richard E. Colgin has been engaged in the manufacture of meat-curing and meat-preservative products for approximately fifty years or any other period of time unless said respondent has actually been actively engaged in such manufacture during the period of time specified.

3. That the respondents are successors to the business established by Saladin E. Colgin, Sr., or that they are the sole or exclusive distributors of the products developed or patented by the said Saladin E. Colgin, Sr.

4. That the Figaro Co., Inc., is out of business or that its financial condition is such that it cannot fill orders, or that the respondents are successors to the Figaro line of products or that such products can be purchased only from the respondents.

5. That respondents own, operate, or control any warehouse when respondents' warehousing activities are limited to the use of the facilities of bonded warehouses in which they have no financial interest.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form

in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-6446; Filed, July 19, 1948; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5644]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON OR AFTER JANUARY 1, 1945

USE OF GOVERNMENT DEPOSITARIES IN CONNECTION WITH PAYMENT OF TAXES

PARAGRAPH 1. Section 405.605 of Regulations 116 (26 CFR 405.605) is amended as follows:

(A) By striking from the first sentence "within 10 days" and inserting in lieu thereof "within 15 days".

(B) By striking out that portion of the third sentence which follows the semi-colon and inserting in lieu thereof the following: *"Provided, however,* That for taxes withheld during the last month of the quarter the employer may either include with his return direct remittance to the collector for the amount of the taxes withheld during such last month of the quarter or attach to such return a receipt evidencing the payment of the taxes withheld during such last month to a depositary on or before the last day of the month following the close of the quarter.

PAR. 2. Inasmuch as this Treasury decision liberalizes the requirements as to the use of Government depositaries in connection with payment of taxes, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) and (b) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation under section 4 (c) of said act.

PAR. 3. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 14, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-6445; Filed, July 19, 1948; 8:50 a. m.]

Subchapter F—Organization and Procedure

PART 600—ORGANIZATION

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

Federal Register Document 46-15357, appearing at page 177A-22, Part II, Section 1, of the issue for September 11, 1946, as amended prior to January 1, 1947 (26 CFR, 1946 Supp., Parts 600 and 601, 1946 Supp.), and as amended subsequent to December 31, 1946 (12 F. R. 950, 2560, 3220, and 5485; 13 F. R. 2195 and 2426), is hereby further amended as follows:

1. Section 600.58 *Field organization of the Miscellaneous Tax Unit* is amended by changing paragraph (a) as follows:

(A) By striking out the paragraph commencing with "Arizona" under the heading *"Territorial Jurisdiction and Address"* and inserting in lieu thereof the following:

Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming; Internal Revenue Agent in Charge (Misc. Tax), Suite 711, 117 West Ninth Street, Los Angeles 15, Calif.

(B) By striking out the paragraph commencing with "Connecticut" under the heading *"Territorial Jurisdiction and Address"* and inserting in lieu thereof the following:

Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (Eastern), Rhode Island and Vermont; Internal Revenue Agent in Charge (Misc. Tax), Room 903, 90 Church St., New York 7, N. Y.

2. Section 601.4 *Estate and gift taxes* is amended as follows:

(A) By striking out in paragraph (a) *General* the second and third paragraphs and inserting in lieu thereof the following:

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the estate tax are contained in Regulations 105 (Part 81 of this chapter), and in the regulations promulgated pursuant to the Death Duty Convention between the United States and Canada set forth in T. D. 5455 (Part 82 of this chapter), and the Death Duty Convention between the United States and United Kingdom set forth in T. D. 5565 (Part 82 of this chapter).

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the gift tax are contained in Regulations 108 (Part 86 of this chapter).

(B) By amending paragraph (h) (1) *Estate and gift tax forms* as follows:

(i) By inserting immediately after the paragraph headed *Form 706* the following new paragraph:

Form 706NA. Nonresident alien estate tax return. Form 706NA is a simplified form of return for use of the executor or administrator of a nonresident decedent, not a citizen of the United States. This form must be filed with the appropriate collector of internal revenue.

(ii) By inserting immediately after the paragraph headed *Form 706d* the following new paragraphs:

Form 706e. Computation of estate tax with credit for United Kingdom estate duties, for estate of decedent domiciled in or a citizen of the United States. This form is for use of the executor or administrator of the estate of a decedent domiciled in or a citizen of the United States, in computing credit against the Federal estate tax for United Kingdom estate duties paid with respect to property situated in the United Kingdom and subjected to such taxes by both countries, pursuant to the Death Duty Convention between the United States and the United Kingdom. This form is supplemental to the "Computation of Tax" schedule in the estate tax return, Form 706.

Form 706f. Certification of United Kingdom estate duties for credit against Federal estate taxes. This form is for use of the executor or administrator of a decedent domiciled in or a citizen of the United States, in securing a certification from United Kingdom officials with respect to estate duties paid in order that credit therefor may be allowed against the Federal estate tax.

3. Section 601.6 *Sales taxes collected by assessment* is amended as follows:

(A) By striking out the words "in duplicate" in the fourth sentence of paragraph (d) (1) *Before payment has been made.*

(B) By striking out the words "in duplicate" in the fourth sentence of paragraph (d) (2) *After payment has been made.*

4. Section 601.7 *Miscellaneous excise taxes collected by assessment* is amended by changing the undesignated paragraph immediately following paragraph (a) (4) (v) *Circulation other than national banks* to read as follows:

(5) *Other rules.* Other rules of particular application to certain of these taxes are the authorization of the Secretary of the Treasury with respect to the nonapplicability of the taxes on the transportation of persons and property in the case of passenger transportation furnished to the United States upon a United States Government transportation request and property shipped to or from the Government of the United States on a United States Government bill of lading, 9 F. R. 4615; and Executive Orders Nos. 9698, 9751, 9823, 9863, 9887, and 9911 issued by the President designating certain international organizations as being entitled to enjoy the privilege, exemptions, and immunities conferred by the International Organizations Immunities Act (3 CFR, Supps.).

5. Section 601.9 *Tobacco taxes* is amended as follows:

(A) By inserting at the end of paragraph (b) *Special registration and bonding requirements* the following new paragraph:

Proprietors of internal revenue tobacco sea stores and export warehouses are also required to furnish bonds to the collectors of their districts to cover the operation of such warehouses and to protect the Government with respect to any liability incurred in connection with unstamped (nontaxpaid) tobacco products received in such warehouses for temporary storage and subsequent withdrawal for purposes of export to foreign countries and shipment to possessions of the United States and for delivery to vessels for use as sea stores on the high seas beyond the jurisdiction of the internal revenue laws of the United States.

(B) By inserting in paragraph (h) *Description of forms* immediately after the paragraph headed *Form 277* the following new paragraph:

Form 485. Order for Stamps; cigarette and small cigar. Executed by manufacturer for

stamps desired and submitted with remittance to collector.

6. Section 601.10 *Miscellaneous excise taxes collected by sale of revenue stamps* is amended as follows:

(A) By changing the caption and first sentence of paragraph (b) (1) *Capital stock, bonds, deeds of conveyance, foreign insurance policies, and passage tickets* to read as follows:

(1) *Capital stock, bonds, deeds of conveyance, and foreign insurance policies.* Chapter 11, Subchapter A, of the Internal Revenue Code imposes certain taxes on issues of corporate bonds, debentures, certificates of indebtedness, capital stock and similar interests; on sales and transfers of capital stock and similar interests, and on foreign insurance policies.

(B) Paragraph (j) *Description of forms* is amended as follows:

(i) By inserting immediately after the paragraph headed *Form 11–B* the following new paragraph:

Form 33. Affidavit of individual surety on bond. Personal sureties on bonds (of which there must be two) must qualify by executing affidavit on this form in triplicate.

(ii) By striking out the last sentence of the paragraph headed *Form 7 (Firearms)*.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–6443; Filed, July 19, 1948; 9:06 a. m.]

PART 600—ORGANIZATION

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

Federal Register Document 46–15357, appearing at page 177A–22, Part II, Section 1, of the issue for September 11, 1946, as amended prior to January 1, 1947 (26 CFR, 1946 Supp., Parts 600 and 601), and as amended subsequent to December 31, 1946 (12 F. R. 950, 2560, 3220, and 5485; 13 F. R. 2195), is hereby further amended as follows:

1. The Table of Contents of Part 600 Organization is amended by striking out "600.9 *Salary Stabilization Unit.*" and inserting in lieu thereof "600.9 *Salary stabilization.*", and by striking out "600.59 *Regional offices of the Salary Stabilization Unit.*"

2. Section 600.1 *General organization, records, delegation of authority, and rules,* as amended (12 F. R. 3220), is further amended as follows:

(A) Paragraph (b) (2) (i) *General* is amended by adding at the end thereof the following:

(f) Public lists of employers making returns under the Federal Unemployment Tax Act. Lists of employers of eight or more making annual returns on Form 940 under the Federal Unemployment Tax Act (Subchapter C of Chapter 9 of the Code) are available for public inspection in the offices of collectors of internal revenue. See sections 55 (e) and 1604 (c) of the Code.

(B) Paragraph (c) *Delegation of authority* is amended by striking from the third sentence thereof the following: "the Salary Stabilization Unit (see § 600.9),".

3. Section 600.3 *Accounts and Collections Unit* is amended as follows:

(A) By inserting in the last sentence of paragraph (a) *General,* after the word "expenditures", the following: "(except expenditures for personal services)".

(B) By striking from paragraph (b) (4) *Disbursement Accounting Division* the following: "pay-rolls and".

4. Section 600.4 *Income Tax Unit* is amended by inserting in paragraph (a) *Central organization of unit,* immediately following the fourth sentence thereof, a new sentence reading as follows: "The Unit is also charged with the responsibility of administering the remaining functions of the National Wage and Salary Stabilization program under the act of October 2, 1942, as amended, and Executive orders and regulations issued thereunder. (See § 601.12.)"

5. Section 600.8 *Employment Tax Unit* is amended as follows:

(A) By striking out the second paragraph of paragraph (a) *General* and inserting in lieu of such second paragraph the following:

The Employment Tax Unit administers the employment taxes imposed under Subchapters A, B, and C of Chapter 9 of the Internal Revenue Code. Subchapter A (Federal Insurance Contributions Act) imposes a tax on all employers and employees with respect to "employment", as defined therein. Subchapter B (Railroad Retirement Tax Act) imposes a tax on employers, employees, and employee representatives with respect to "service" rendered, as defined therein. Subchapter C (Federal Unemployment Tax Act) imposes a tax on employers of eight or more individuals with respect to "employment", as defined therein. The audit and adjustment of all returns filed annually under the Federal Unemployment Tax Act, together with the disposition of all claims on Form 843 for refund, credit, and abatement filed with respect to the taxes imposed by Subchapters A, B, and C of Chapter 9 of the Code, are performed in the Employment Tax Unit in Washington. The audit and adjustment of the quarterly returns filed under the Federal Insurance Contributions Act and the Railroad Retirement Tax Act, and the field work in connection with the tax imposed by the Federal Unemployment Tax Act, are performed by the offices of the collectors of internal revenue for the 64 collection districts in which the returns are filed.

(B) By inserting in paragraph (b) (1) *Audit Division* immediately following the word "claims" the following: "on Form 843".

6. Section 600.9 *Salary Stabilization Unit* is amended to read as follows:

§ 600.9 *Salary stabilization.* The duties and responsibilities relative to salary stabilization formerly vested in the Salary Stabilization Unit have been transferred to the Income Tax Unit, and the Salary Stabilization Unit, as such, has been abolished. (T. D. 5779, 12 F. R. 6783.) See §§ 600.4 (a) and 601.12.

7. Section 600.11 *Office of Chief Counsel* is amended as follows:

(A) By inserting in paragraph (b) (2) (i) *Chief Counsel's Committee* immediately following the words "closing agreements" the words "with respect to past transactions".

(B) By changing paragraph (b) (2) (ii) *Alcohol Tax Division* to read as follows:

(ii) *Alcohol Tax Division.* This division handles the legal work arising from the administration and enforcement of the internal revenue liquor laws and the Federal Alcohol Administration Act, from the enforcement of the Liquor Enforcement Act of 1936, the Federal Firearms Act, the Act of August 9, 1939, 49 U. S. C., 781–788 (in so far as the act relates to firearms) and sections 2720–2733, 3260–3266 of the Internal Revenue Code, and from the administration of the Federal Tort Claims Act as it applies to the entire personnel (including the field forces) of the Bureau of Internal Revenue and the General Counsel's Office.

(C) By changing paragraph (b) (2) (iv) *Civil Division* to read as follows:

(iv) *Civil Division.* This division determines, subject to review, the Bureau's legal position in the preparation of letters of law and fact to the Department of Justice in respect of suits by taxpayers for refunds of taxes and suits to enjoin revenue officials, and in respect of authorizations of suits to collect taxes or to recover erroneous refunds; and determines, subject to review, in all of the above-mentioned suits, the Bureau's legal position with respect to compromises and settlements, appeals from adverse decisions, and petitions for certiorari. But see also subdivisions (ii), (iii), and (v) of ths subparagraph.

(D) By changing paragraph (b) (2) (ix) *Review Division* to read as follows:

(ix) *Review Division.* This division reviews claims for refund, credit or abatement where the amount proposed for allowance in any case exceeds $75,000, and prepares the reports to the Joint Committee on Internal Revenue Taxation of Congress required by section 3777 (a) and (c) of the Internal Revenue Code in cases where refunds or credits of income, war profits, excess profits, estate, and gift taxes in excess of $75,000 are approved.

8. Section 600.51 *Collectors of internal revenue* is amended as follows:

(A) Paragraph (a) *General* is amended by striking out the fifth sentence and inserting in lieu thereof the following: "As of March 1, 1948, there were sixty-four collectors' offices and one thousand three hundred and twenty-three branch offices."

(B) Paragraph (d) *Collection districts* is amended by striking from the column headed "Headquarters office" included in the table of collection districts, all references to zone offices.

9. Section 600.51a *Processing Division* is amended by striking out the second sentence and inserting in lieu thereof the following: "The Processing Division is located in the Pratt and Whitney Plant, Kansas City, Missouri."

10. Section 600.54 *Field organization of the Intelligence Unit* is amended by changing the table of field divisions and branch offices at the end thereof to read as follows:

Division	Territory embraced	Location of office
Atlanta	South Carolina, Georgia, Florida, and Alabama.	*Atlanta, Ga., Birmingham, Ala., Columbia, S. C., Jacksonville, Fla., Miami, Fla., Mobile, Ala., Montgomery, Ala., Savannah, Ga., Tampa, Fla.
Boston	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	*Boston, Mass., Bridgeport, Conn., Hartford, Conn., Providence, R. I.
Chicago	Wisconsin, Illinois, and Indiana.	*Chicago, Ill., East St. Louis, Ill., Eau Claire, Wis., Evansville, Ind., Green Bay, Wis., Indianapolis, Ind., Milwaukee, Wis., Peoria, Ill., South Bend, Ind., Springfield, Ill.
Dallas	Mississippi, Louisiana, and Texas.	*Dallas, Tex., Houston, Tex., New Orleans, La., San Antonio, Tex., Shreveport, La.
Denver	Colorado, New Mexico, Wyoming and Utah.	*Denver, Colo., Albuquerque, N. Mex., Cheyenne, Wyo., Salt Lake City.
Detroit	Ohio and Michigan	*Detroit, Mich., Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dayton, Ohio, Flint, Mich., Grand Rapids, Mich., Marquette, Mich., Toledo, Ohio, Youngstown, Ohio.
Kansas City	Missouri, Kansas, Oklahoma, and Arkansas.	*Kansas City, Mo., Little Rock, Ark., Oklahoma City, Okla., St. Louis, Mo., Wichita, Kans.
Louisville	Kentucky and Tennessee	*Louisville, Ky., Chattanooga, Tenn. Knoxville, Tenn., Memphis, Tenn. Nashville, Tenn.
New York	New York, New Jersey, (5th Collection District), and Puerto Rico.	*New York, N. Y., Buffalo, N. Y., Newark, N. J.
Philadelphia	Pennsylvania, New Jersey (1st Collection District), and Delaware.	*Philadelphia, Pa., Harrisburg, Pa., Pittsburgh, Pa., Scranton, Pa.
St. Paul	Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.	*St. Paul, Minn., Des Moines, Iowa, Minneapolis, Minn., Omaha, Nebr.
San Francisco	California, Nevada, Arizona, and Hawaii.	*San Francisco, Calif., Fresno, Calif., Honolulu, T. H., Las Vegas, Nev., Los Angeles, Calif., Phoenix, Ariz., Sacramento, Calif., San Diego, Calif.
Seattle	Washington, Oregon, Idaho, Montana, and Alaska.	*Seattle, Wash., Boise, Idaho—Butte Mont., Portland, Oreg., Spokane, Wash.
Washington	Maryland, District of Columbia, Virginia, West Virginia, and North Carolina.	*Washington, D. C., Baltimore, Md., Charlotte, N. C., Greensboro, N. C., Huntington, W. Va., Norfolk, Va., Richmond, Va., Roanoke, Va., Salisbury, Md., Wilmington, N. C.

11. Section 600.57 *Field organization of the Office of the Chief Counsel,* as amended (12 F. R. 2560), is further amended by changing the first paragraph of paragraph (c) *Penal Division* to read as follows:

(c) *Penal Division.* The Penal Division has been decentralized with plans made to extend the field organization. There are now four regional offices, each in charge of a regional counsel. Region 1 covers the first, second and third judicial circuits with the regional office located in New York City. District offices for this region are located in Boston and Philadelphia. Region 2 covers the sixth and seventh judicial circuits and the States of Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Missouri, Oklahoma, Kansas and Arkansas, with regional office located in Chicago. District offices for this region are located in Kansas City, Missouri, and St. Paul. Region 3 covers the ninth judicial circuit and the States of Wyoming, Colorado, New Mexico and Utah, with the regional office located in San Francisco. A district office for this region is located in Los Angeles. Region 4 covers the fourth and fifth judicial circuits and the District of Columbia, with the regional office located in Atlanta.

12. Section 600.59 *Regional offices of the Salary Stabilization Unit* is stricken out.

13. Section 601.1 *General procedure* is amended by striking from paragraph (d) (2) *Closing agreements* the first sentence of the third paragraph and inserting in lieu thereof the following: "Closing agreements on Form 906 are prepared (after request by the taxpayer) in the Income Tax Unit, and if they cover future transactions are considered by the Closing Agreement Committee, composed of representatives of the Chief Counsel's Office and of the Income Tax Unit. Closing agreements on Form 906 which refer to past transactions are not considered by the Closing Agreement Committee, but are reviewed by the Chief Counsel's Committee. (See § 600.11 (b) (2) (i).)"

14. Section 601.2 *Income and excess profits taxes* is amended by changing paragraph (c) (1) *General* by striking from the last sentence of the third paragraph thereof the word "divisions" and inserting in lieu thereof the word "offices".

15. Section 601.5 *Employment taxes* is amended as follows:

(A) Paragraph (a) *General* is amended as follows:

(i) By inserting immediately after the word "Code" preceding the period at the end of the opening paragraph thereof the following: "(Railroad Retirement Tax Act)".

(ii) By changing subparagraph (3) *Chapter 9, subchapter B, Internal Revenue Code* to read as follows:

(3) *Railroad Retirement Tax Act.* Regulations 100 (26 CFR Supps., Part 410).

(B) Paragraph (b) (1) *Tax collection* is amended as follows:

(i) By changing the fifth sentence of the first paragraph thereof to read as follows: "The returns under the Federal Insurance Contributions Act and the Railroad Retirement Tax Act are retained in the collectors' offices where they are audited."

(ii) By striking from the last sentence of the second paragraph thereof the word "employer's" and inserting in lieu thereof "employers' ".

(iii) By amending the fourth paragraph thereof to read as follows:

The Railroad Retirement Tax Act imposes a tax on employers and their employees with respect to "service" rendered as defined in the act. It also imposes a tax on employee representatives with respect to "service" rendered as defined in the act. A return on Form CT–1 must be filed for each quarter by each employer in accordance with the instructions on the form, and a return on Form CT–2 must be filed for each quarter by each employee representative in accordance with the instructions on such form.

(C) Paragraph (b) (4) *Claims for refund, credit and abatement* is amended as follows:

(i) By striking out in the sixth sentence thereof "subparagraph (6) (ii)" and inserting in lieu thereof "subparagraph (6) (ii) and (iii)".

(ii) By changing the eighth sentence thereof to read as follows: "The taxpayer may bring suit for recovery in the appropriate court within two years from the date of mailing of the rejection notice."

(D) Paragraph (b) (5) *Offers in compromise* is amended by striking from the last sentence thereof the word "is" and inserting in lieu thereof the word "are".

(E) Paragraph (b) (6) (i) *Identification and account numbers* is amended as follows:

(i) By changing the second sentence of the opening paragraph thereof to read as follows: "Any employer who does not have an identification number must secure a Form SS–4 from the collector of internal revenue or from a field office of the Social Security Administration and, after executing the form in accordance with the instructions contained thereon, file it with the collector or the field office."

(ii) By changing the first and second sentences of the second paragraph thereof to read as follows: "Each employee who does not have an account number must file an application on Form SS–5, a copy of which may be obtained from any field office of the Social Security Administration or from a collector of internal revenue. The form, after execution in accordance with the instructions thereon, must be filed with the field office of the Social Security Administration, and at a later date the employee will be furnished an account number."

(F) Paragraph (b) (6) (ii) *Recovery by employees of excess deductions* is amended as follows:

(i) By changing the caption and opening paragraph thereof to read as follows:

(ii) *Special refunds of employees' tax on wages over $3,000 received before 1947.* Under section 1401 (d) (1) of the Federal Insurance Contributions Act (section 1401 (d) (1) of the Internal Revenue Code) an employee, who received wages prior to January 1, 1947, in excess of $3,000 from two or more employers for services performed during the calendar year 1940 or any subsequent calendar year, may file a claim for refund of the amount by which the employees' tax deducted and paid to a col-

lector with respect to such wages exceeds the employees' tax with respect to the first $3,000 of such wages.

(ii) By striking from the first sentence of inferior subdivision (*d*) "section 1401 (d)" and inserting in lieu thereof "section 1401 (d) (1)".

(G) Paragraph (b) (6) *Provisions special to the Federal Insurance Contributions Act* is further amended by inserting at the end thereof the following new subdivision:

(iii) *Special refunds of employees' tax on wages over $3,000 received after 1946.* Under section 1401 (d) (2) of the Federal Insurance Contributions Act (section 1401 (d) (2) of the Internal Revenue Code) an employee, who receives wages in excess of $3,000 from two or more employers in any calendar year beginning after December 31, 1946, may file a claim for refund of the amount, if any, by which the employees' tax imposed with respect to such wages and deducted therefrom exceeds the employees' tax with respect to the first $3,000 of such wages. The necessary forms and instructions may be obtained from the collector's office. With respect to such special refund claims, the following applies:

(*a*) A separate claim shall be made with respect to wages received within one calendar year (regardless of the year or years after 1936 during which the services are performed for which such wages are received).

(*b*) The employee shall submit with the claim, as a part thereof, a statement executed by him on Form SS–9a.

(*c*) The employee's claim shall be made on Form 843 and shall be filed with the collector for the district in which the employee resides.

(*d*) No refund will be made under section 1401 (d) (2) of the Federal Insurance Contributions Act unless (*1*) the employee files a claim, establishing his right thereto, after the calendar year in which the wages are received with respect to which refund of tax is claimed, and (*2*) such claim is filed within two years after the calendar year in which such wages are received.

(H) Paragraph (b) (7) *Description of forms* is amended as follows:

(i) By striking out "employer's" in the second sentence of the paragraph headed *Form SS–1a* and inserting in lieu thereof "employers' ".

(ii) By amending the paragraph headed *Form SS–1b* to read as follows:

Form SS–1b. Continuation sheet of Schedule A of Form SS–1a, Employer's Tax Return under the Federal Insurance Contributions Act. This form should be used if there is not sufficient space on Form SS–1a for the listing of employees.

(iii) By amending the paragraph headed *Form SS–1c* to read as follows:

Form SS–1c. Statement to correct information previously reported under the Federal Insurance Contributions Act. If the account number, name, or wages of one or more employees were omitted from or erroneously reported in Schedule A of one or more returns on Form SS–1a, each such error should be corrected on this form.

(iv) By amending the first sentence of the paragraph headed *Form SS–9* to read as follows: "This form, which is to be executed by the employer, is filed in support of the special refund claim on Form 843 of an employee who received wages prior to January 1, 1947, in excess of $3,000 from two or more employers for services performed during a calendar year."

(v) By inserting after the paragraph headed *Form SS–9* the following new paragraph:

Form SS–9a. Employee's statement to support claim on Form 843 for special refund of employees' tax under the Federal Insurance Contributions Act. This form is executed and filed by the employee in support of his claim on Form 843 for special refund of employees' tax with respect to wages received by him in any calendar year after 1946. The information required to be shown on the form with respect to each employer from whom wages were received during the calendar year includes the name and address of the employer, the amount of wages received, and the amount of employees' tax deducted.

(vi) By amending the caption of the paragraph headed *Form 1135* to read as follows:

Form 1135. Application for extension of time for payment of the excise tax or any part thereof imposed by the Federal Unemployment Tax Act.

(vii) By striking out the center heading immediately preceding the paragraph headed *Form CT–1* and inserting in lieu thereof "Railroad Retirement Tax Act".

(viii) By amending the paragraph headed *Form CT–1* to read as follows:

Form CT–1. Employer's tax return under the Railroad Retirement Tax Act (Chapter 9, Subchapter B, of the Internal Revenue Code). This form is required to be filed on a quarterly basis by each employer. The information required to be shown on the form includes the number of employees to whom taxable compensation was paid during the quarter, the amount of such compensation, credits or adjustments, and the amounts of employers' tax and employees' tax.

(ix) By amending the paragraph headed *Form CT–2* to read as follows:

Form CT–2. Employee representative's return under the Railroad Retirement Tax Act (Chapter 9, Subchapter B, Internal Revenue Code). This form is required to be filed on a quarterly basis by each employee representative. The information required to be shown on the form includes the total taxable compensation paid to the taxpayer during the quarter for services rendered as employee representative, credits, and total tax due.

(x) By striking out the center heading immediately preceding the paragraph headed *Form SS–10* and inserting in lieu thereof "Forms common to Federal Insurance Contributions Act, Federal Unemployment Tax Act, and Railroad Retirement Tax Act".

16. Section 601.8 *Alcohol Tax Unit*, as amended (12 F. R. 3220), is further amended by changing paragraph (a) (3) *Previously published rules*, as follows:

(A) By inserting in the fifth paragraph thereof (Regulations 4) immediately after the reference "T. D. 5529, 11 F. R. 8713" the following: "; T. D. 5601, 13 F. R. 591".

(B) By inserting in the sixth paragraph thereof (Regulations 5) immediately after the reference "T. D. 5543, 11 F. R. 10270" the following: "; T. D. 5602, 13 F. R. 593".

(C) By inserting in the eighth paragraph thereof (Regulations 7) immediately after the word "vermouth" the following: "or other aperitif wine".

(D) By inserting in the ninth paragraph thereof (Regulations 10) immediately after the reference "T. D. 5585, 12 F. R. 7859" the following: "; T. D. 5603, 13 F. R. 595"; and by inserting immediately after the words "such warehouses," the following: "the blending of beverage brandies,".

(E) By inserting in the nineteenth paragraph thereof (Regulations 23) immediately after the words "internal revenue tax" the following: "and the exportation free of tax of distilling apparatus not intended for use in distilling spirits".

(F) By inserting in the twenty-first paragraph thereof (Regulations 28) immediately after the word "bottled" the following: "or packaged".

17. Section 601.12 *Salary stabilization* is amended to read as follows:

§ 601.12 *Salary stabilization*—(a) *Administration.* The residue of the functions relative to salary stabilization formerly exercised by the Salary Stabilization Unit, Bureau of Internal Revenue, the National War Labor Board and its successor, the National War Stabilization Board, and the Secretary of Agriculture, were transferred to the Deputy Commissioner, Income Tax Unit, effective October 15, 1947, when the Salary Stabilization Unit was abolished by Treasury Decision 5579 (12 F. R. 6783).

(b) *Procedure.* The procedure with respect to contravention or alleged contravention of the act of October 2, 1942 (56 Stat. 765), as amended (50 U. S. C. App., Sup., 961–971), is set forth in Treasury Decision 5416 (29 CFR Cum. Sup., Part 1001). All previous rules, either by Executive orders, regulations of the Director of Economic Stabilization, or Treasury Decisions, as follows, are operative in connection with contravention cases: Executive Orders 9250, 9328, 9599, 9620, 9651, 9697, 9699, 9762, 9801, and 9809 (3 CFR Supps.); Regulations of the Director of Economic Stabilization (32 CFR Supps., Part 4001); and Treasury Decisions 5176 (29 CFR Supp., Part 1001), 5186, 5294, 5295, 5406, 5416, 5435, 5450, 5462, 5489, 5506, 5511 (29 CFR Supps., Part 1002), 5553, and 5579 (29 CFR Supps., Part 1003).

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–6444; Filed, July 19, 1948; 9:07 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 10—DELEGATIONS OF AUTHORITY

SUPERINTENDENTS, CUSTODIANS, AND REGIONAL DIRECTORS AUTHORIZED TO PERMIT COLLECTION OF SCIENTIFIC SPECIMENS

Part 10 is amended by adding new §§ 10.5 and 10.6, reading as follows:

§ 10.5 *Superintendents and custodians authorized to permit collection of scientific specimens.* Unless the Secretary or the Director in any particular case determines otherwise, superintendents and custodians are authorized to permit the collection by Federal employees, for scientific or educational purposes, of specimens of invertebrate animals in areas under their supervision where it is administratively determined that the collection of such specimens is desirable in the interest of science or education and will contribute to the conservation of the natural objects and wildlife within such areas.

§ 10.6 *Regional directors authorized to permit collection of scientific specimens.* Unless the Secretary or the Director in any particular case determines otherwise, the appropriate regional director, as designated in §§ 01.30 and 01.82, is authorized to permit the collection by Federal employees, for scientific or educational purposes, of specimens of vertebrate animals (cyclostomes, fishes, amphibians, reptiles, birds, and mammals) in the areas within their respective regions where it is administratively determined that the collection of such specimens is desirable in the interest of science or education and will contribute to the conservation of the natural objects and wildlife within such areas.

(Sec. 2, 39 Stat. 535, 16 U. S. C. 2; 43 CFR 4.670)

Issued this 13th day of July 1948.

[SEAL] HILLORY A. TOLSON,
Acting Director.

[F. R. Doc. 48-6469; Filed, July 19, 1948; 8:59 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction No. 1, Pub. Law 702, 80th Cong.]

PART 2—ADJUDICATION: VETERANS' CLAIMS (APPENDIX)[1]

ASSISTANCE TO CERTAIN VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING WHICH THEY REQUIRE BY REASON OF THEIR SERVICE CONNECTED DISABILITIES

1. *Processing of applications.* — (a) *Availability and execution of applications.* VA Form 4555 will be furnished to the veteran, or his representative, upon request. The application should be executed by the veteran and forwarded direct to the regional office where his claim folder is located. If no claim has been filed for benefits from the Veterans' Administration, the application should be forwarded to central office, Veterans' Administration, Washington 25, D. C.

(b) *Jurisdiction to execute certificate of eligibility.* Jurisdiction to execute VA Form 4555a, Certificate of Basic Eligibility, is vested solely in the claims division, veterans claims service, central office. Therefore, when an application is received by a regional office or center it should, unless the veteran is hospitalized at the time of making application, be immediately attached to the claims folder and transferred to central office. In the excepted class, the upper portion of VA Form 4555b, Certificate of Medical Feasibility, should be executed before the application and principal claims folder are forwarded to central office. Central Office will retain jurisdiction over the claims folder until the specially adapted housing applied for by the veteran has been furnished and the transaction is closed or the claim has been disallowed, at which time the folder will be decentralized.

(c) *Conditions precedent to execution of Certificate of Basic Eligibility.* (1) Subsection (g), section 1, Title I, Public No. 2, 73d Congress, approved March 20, 1933, as amended, grants benefits under Public Law 702, 80th Congress, to any person who served in the active military or naval service of the United States who is entitled to compensation under the provisions of Veterans Regulation 1 (a), as amended (38 U. S. C. Ch. 12), for permanent and total service-connected disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body, subject to the provisions and limitations of Veterans Regulation 1 (a), as amended, Part IX.

(2) It will be noted that benefits are not restricted to World War II veterans nor to veterans of wartime service. It is only necessary that the veterans be entitled to compensation under Veterans Regulation 1 (a), as amended, for disability incurred in or aggravated by service on or after April 21, 1898.

(3) Permanent and total disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body is defined as paralysis of both lower extremities produced by lesion of the spinal cord resulting from disease or injury thereof, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, accompanied by paralysis of the sphincters of anus and bladder. Physical reexamination of a veteran may be ordered when in the discretion of the Central Disability Board the most recent report of physical examination on file is not considered sufficient to portray the present degree of his disability for the purpose of Public Law 702, 80th Congress.

(4) (i) If the veteran is found to be eligible, the Certificate of Basic Eligibility will be executed and the application will be referred to the department of medicine and surgery for consideration of the question of the veteran's medical feasibility.

(ii) In the event the chief, claims division, or his designate, finds that he cannot execute the Certificate of Basic Eligibility, he will prepare a letter to the veteran over the name of the director, veterans claims service, listing the reasons for disapproval of the application and advising him of his right to appeal.

(iii) In the event that consideration of the claim in the claims service will be delayed, such as obtaining examination or information from the service department, the veteran will be notified of the reasons for delay.

(d) *Jurisdiction to execute Certificate of Medical Feasibility.* Jurisdiction to execute VA Form 4555b, Certificate of Medical Feasibility, is vested solely in the chief medical director, or his designate. When the file is referred to the department of medicine and surgery if the certificate of the examiners has not previously been executed, as provided in paragraph 1 (b) of this instruction, the chief medical director, or his designate, will arrange for an examination.

(e) *Conditions precedent to execution of Certificate of Medical Feasibility.* (1) In general, a Certificate of Medical Feasibility will be issued to an eligible applicant except when the health or future well-being of the applicant would be further jeopardized by his occupancy of a "specially adapted house," or because discharge from the hospital is medically contraindicated.

(2) When the applicant is hospitalized in a Veterans' Administration hospital or center and is suffering from a service-connected disability due to spinal-cord disease or injury with paralysis of the legs and the lower part of the body, the manager will appoint a board which will include the chief of service responsible for the patient, a neurologist, a urologist, and a physiatrist for the purpose of examining the applicant and for the preparation of VA Form 4555b.

(3) When an applicant with the condition set forth in paragraph 1 (e) (1) above, is not currently undergoing hospitalization, the examination and report referred to above will be accomplished at the nearest Veterans' Administration hospital, center, or regional office having a qualified urologist, neurologist and physiatrist on its staff.

(4) When an applicant with a condition as set forth in paragraph 1 (e) (1) above, is currently undergoing hospitalization in a non-Veterans' Administration hospital or is confined to his home and is unable to travel, the manager of the nearest Veterans' Administration hospital or regional office having a qualified urologist, neurologist, and physiatrist on its full-time or consulting staffs will detail a team including these specialists for the purpose of performing the examination and completing the report referred to above.

(5) The report of the examining team with whatever supporting data are considered necessary to uphold the recommendation will be forwarded to the chief medical director who will issue a Certificate of Medical Feasibility in appropriate cases.

(f) *Action to be taken when certifications of eligibility and medical feasibility have been approved.* When the Certificate of Basic Eligibility and Medical Feasibility are certified favorably, the folder will be referred to the loan guaranty service which will notify the veteran of the action taken and furnish him with a supplemental application, VA Form 4555c, and appropriate descriptive information as to the procedure to be followed in obtaining the financial assistance authorized by Public Law 702, 80th Congress.

(Pub. Law 702, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-6501; Filed, July 19, 1948; 9:05 a. m.]

[1] CROSS REFERENCE: Part 4—Adjudication: Veterans' Claims, Central Office Section (Appendix).

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

JOINT REGULATIONS ADOPTED BY SECRETARY OF TREASURY AND POSTMASTER GENERAL

In § 22.10, *Articles for delivery to addressees at New York, Chicago, San Francisco, and Seattle,* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) All articles, including shipments for formal entry, received at the four exchange offices named in § 22.10 (a) for delivery at points outside the distribution districts of such offices shall be left without customs examination in the custody of the postmaster for redispatch in accordance with the special distributing scheme to other distributing post offices in sealed sacks, sealed Post Office Department penalty envelopes, or sealed registered sacks or jackets, as may be appropriate. No mail matter other than articles supposed to be liable to customs duty shall be sent in such dispatches. The dispatches shall be addressed to the main post office at which a customs officer is located, and not to a post-office station unless a customs officer is located at or near such place. The sack labels or address sides of the penalty envelopes or jackets shall be conspicuously marked "Supposed liable to customs duty; treat in accordance with section 2229, Postal Laws and Regulations of 1940." Upon receipt at the distributing post offices, the mail shall be handled as provided in §§ 22.12 (a)–(c) and 22.13 (a)–(d).

2. Delete paragraph (c).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728; 5 U. S. C. 22, 369, 19 U. S. C. 1498)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-6421; Filed, July 19, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

TRANSFER OF THE DISTRICT LAND OFFICES AT BLACKFOOT AND COEUR D'ALENE, IDAHO, TO BOISE, IDAHO

CROSS REFERENCE: For order discontinuing the district land offices at Blackfoot and Coeur d'Alene, Idaho, and transferring the business and necessary archives to a new district land office to be established at Boise, Idaho, see Executive Order 9978, *supra.* The Blackfoot and Coeur d'Alene offices are included in the locations of district land offices listed in § 50.102.

Appendix—Public Land Orders

[Public Land Order 496]

NEW MEXICO

REVOKING IN PART EXECUTIVE ORDER NO. 8874 OF AUGUST 28, 1941, AS AMENDED, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS PRACTICE BOMBING RANGE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 8874 of August 28, 1941, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for use of the War Department as a practice bombing range, is hereby revoked as to the hereinafter-described lands.

The jurisdiction over and use of such land granted the War Department by Executive Order No. 8874 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such land shall be vested in the Department of the Interior and any other department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 10, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1948, to December 10, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1948, to September 9, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.:

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1948, to December 9, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Santa Fe, New Mexico.

The public lands affected by this order are within the following-described areas in the State of New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 1 E.
Sec. 2, lots 1 to 8, inclusive.
T. 11 N., R. 1 E.
Sec. 14, lots 1 to 4, inclusive;
Secs. 20, 22, 24, 26, 28 and 34.
T. 10 N., R. 2 E.
Sec. 6, Lots 1 to 8, inclusive.
T. 11 N., R. 2 E.
Sec. 18, lots 1 to 4, inclusive, S½S½.

The areas described include both public and non-public lands aggregating 4,789.03 acres.

These lands are generally rolling, rough and mountainous in character.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 9, 1948.

[F. R. Doc. 48-6417; Filed, July 19, 1948; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8964]

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of July 1948;

The Commission having under consideration (1) the amendment of § 12.91 of the rules governing Amateur Radio Service for the purpose of (a) making available the lower frequency amateur bands, in addition to those presently available over 25 Mc., for the mobile operation of amateur stations within the continental limits of the United States, its territories, or possessions; (b) confining portable or mobile operation of amateur stations outside of the continental limits of the United States, its territories, or possessions, within the frequency band of 28.0 to 29.7 Mc. to promote the efficient administration of such types of operation; and (c) clarifying the requirements of notice concerning intended portable or mobile operation by providing for advance writtten notice to the Commission whenever any intended portable or mobile operation will be, or is likely to be, in excess of certain specified periods of time, in order to provide the Commission with information essential to the proper enforcement of its rules when amateur stations are operated either portable or mobile (2) the deletion of § 12.92, the provisions of which have been substantially incorporated in the above mentioned § 12.91; and (3) the addition of a new § 12.94 establishing special provisions governing the operation of amateur stations aboard ships or aircraft, which provisions are designed primarily to preclude interference with the efficient operation of radio equipment used for safety purposes aboard the same ship or aircraft and to avoid the creation of hazards to the safety of life and property.

It appearing, that on April 28, 1948, general notice of proposed rule making with respect thereto was published in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments expired May 20, 1948; that prior thereto several comments were received by the Commission; and that such comments have been carefully considered by the Commission; and

It further appearing, that: (1) The proposed amendment of § 12.91 (a) relieves an existing restriction by permitting amateur mobile operation in the frequency bands below 25 Mc. within the continental limits of the United States, its territories or possessions; (2) while the provisions of the proposed new § 12.94 impose certain restrictions relating to the mobile operation of amateur stations aboard ships or aircraft, yet those provisions should be made effective immediately in order to promote safety of life and property at sea and in the air; and therefore that the proposed amendment of § 12.91 (a) and the proposed new § 12.94 should be made effective immediately rather than after the 30-day notice period provided by the Administrative Procedure Act; and

It further appearing, that § 12.92 of the existing rules, which covers certain requirements in relation to portable operation, will be incorporated in the proposed § 12.91 (a) in relation to portable operation within the continental limits of the United States, its territories and possessions and, therefore, should be deleted insofar as concerns portable operation within these limits concurrently with the effectiveness of proposed § 12.91 (a); and

It further appearing, that § 12.92 of the existing rules will be incorporated within the proposed § 12.91 (b) in relation to amateur portable operation outside the continental limits of the United States, its territories and possessions and, therefore, should be deleted insofar as concerns portable operation outside these limits concurrently with the effectiveness of § 12.92 (b);

It is ordered, That Part 12 of the rules governing Amateur Radio Service be amended by changing § 12.91 to read as set forth below; by adding § 12.94 to read as set forth below; and by deleting § 12.92.

It is further ordered, That, for the reasons set forth hereinabove, §§ 12.91 (a) and 12.94 as set forth below shall be effective immediately.

It is further ordered, That § 12.91 (b) as set forth below shall be effective August 20, 1948.

It is further ordered, That the deletion of § 12.92 of the existing rules shall be effective immediately insofar as pertains to portable operation within the continental limits of the United States, its territories and possessions, and shall be effective August 20, 1948 insofar as pertains to portable operation outside the continental limits of the United States, its territories and possessions.

(Sec. 303 (b), (c), (f), (g), 48 Stat. 1082, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 303 (b), (c), (f), (g), (r)).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amendments to Part 12 of the rules governing amateur radio service:

1. Section 12.91 is amended to read as follows:

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. An amateur station operated under the provisions of this section shall not be operated during any period exceeding one month away from the fixed station location designated in the station license without giving additional notice to the Engineer in Charge of the radio inspection district in which the station is intended to be further operated, nor for more than four consecutive periods of one month each as portable at the same location. Mobile operation without return to the fixed transmitter location may be continued beyond the four consecutive periods of one month each provided that the above mentioned notice of mobile operation is given each month.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc. Within areas under the jurisdiction of a foreign government, operation is also limited to this band and then only with the permission of that government. Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

2. Section 12.92 is deleted.

3. A new § 12.94 is added to read as follows:

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) the amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) the electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) the operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) the amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

[F. R. Doc. 48-6440; Filed, July 16, 1948; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 201]

PROTECTION OF ALASKA COMMERCIAL FISHERIES

NOTICE OF INTENTION TO ADOPT AMENDMENTS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning February 1, 1949, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Kodiak	September 15.
Anchorage	September 17.
Cordova	September 20.
Juneau	September 24.
Sitka	September 27.
Klawak	September 30.
Wrangell	October 2.
Ketchikan	October 4.
Seattle	October 18 and 19.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 14, 1948.

[F. R. Doc. 48-6418; Filed, July 19, 1948; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 725]

FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR 1949–50 MARKETING YEAR

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1949–50 marketing year on flue-cured tobacco and, if so, the amount of the national marketing quota.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b), 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

In a referendum held July 12, 1946, 249,320 of the 256,735 flue-cured tobacco growers voting favored marketing quotas for the marketing years 1947–48 through 1949–50 (11 F. R. 9732).

In making the determinations as to whether marketing quotas are required to be proclaimed on flue-cured tobacco for the 1949–50 marketing year and the amount of the national marketing quota, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than August 3, 1948.

Issued at Washington, D. C. this 15th day of July 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48-6464; Filed, July 19, 1948; 8:54 a. m.]

[7 CFR, Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations which have been submitted by the Control Committee, established under the hereinafter described marketing agreement and order as the agency to administer the terms and provisions thereof.

The rules and regulations, which are hereinafter set forth, would become effective pursuant to the applicable provisions of the marketing agreement and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.); but certain regulatory provisions thereof are currently suspended (8 F. R. 9733).

The provisions contained in § 939.106 (b) of the following rules and regulations have been in effect since November 17, 1939, but were not heretofore published in the FEDERAL REGISTER.

Sec.
939.100 Definitions.
939.101 Communications.
939.104 Limitation of shipments.
939.106 Pears for by-product, charitable, or gift purposes.
939.107 Reports.

AUTHORITY: §§ 939.100, 939.101, 939.104, 939.106, and 939.107 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 939.1 et seq.

§ 939.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement 89 and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

(b) Each term used in the marketing agreement and order shall, when used herein, have the same meaning applicable to such term in the marketing agreement and order.

§ 936.101 *Communications.* Unless otherwise prescribed herein or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement and order shall be forwarded as follows:

Winter Pear Control Committee, 519 Northwest Park Avenue, Portland 9, Oregon.

§ 939.104 *Limitation of shipments—* (a) *Exemption certificates; procedural rules.* Application for an exemption certificate authorizing the shipment during a particular marketing season of any variety of pears shall be filed with the secretary of the Control Committee not later than November 15 of such marketing season. Each such application duly mailed to and duly received by the secretary of the Control Committee shall be deemed to have been filed with the secretary as of the date of such mailing. Each application shall contain the following information on Form E–1 "Grower Application for Exemption Certificate":

(i) The name and address of the applicant;

(ii) The location of the orchard (by district and distance from the nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(iii) The number and age of the trees producing the particular variety for which exemption is requested;

(iv) The quantity of such variety which could be shipped by the applicant in the absence of the grade and size regulations in effect at the time the application is filed;

(v) The quantity of such variety which meets the requirements of the aforesaid effective grade and size regulations;

(vi) The total crop of the particular variety of pears and the quantity shipped during the preceding marketing season;

(vii) The names of the shippers who shipped all or any portion of the applicant's aforesaid crop during the preceding marketing season;

(viii) The reasons why the quantity of the particular variety of pears, for which exemption is requested, does not meet the aforesaid effective grade and size regulations; and

(ix) The name of the shipper or shippers who will ship the exempted pears if the exemption certificate is issued.

(b) *Exemption committee.* The members and alternate members of the Control Committee residing in the district in which the applicant grower's orchard is located shall act as an exemption committee for that district and shall make or cause to be made such investigation as may be necessary to determine whether and to what extent such applicant will be prevented, because of the aforesaid grade and size regulation in effect, from shipping as large a percentage of the particular variety of his pears as the percentage of all pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. In the event any member or alternate member of the Control Committee shall himself apply for an exemption certificate he shall be disqualified to serve as a member of the exemption committee to act upon his application.

(c) *Issuance of exemption certificate.* In the event such exemption committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, such exemption certificate shall be issued so as to permit the applicant to ship or have shipped the requisite quantity of his pears. Each exemption certificate shall be signed by the secretary or assistant secretary of the Control Committee and one copy thereof shall be delivered to the grower, one copy shall be delivered to each shipper designated by the grower to receiver a copy, and one copy shall be retained in the files of the Control Committee. In the event the secretary of the Control Committee has reason to believe that any such finding or determination by an exemption committee is improper or not in accordance with the facts, he may disapprove the same, and shall make or cause to be made such further investigation as he may determine to be necessary or advisable, and may request or obtain such information as he may deem necessary to enable him to determine whether or not and to what extent an applicant is entitled to an exemption certificate.

(d) *Appeal to Control Committee.* Any grower, whose application is denied in whole or in part by the appropriate exemption committee or by the secretary of the Control Committee, may file a written appeal with the Control Committee within fifteen (15) days after the date of the notice to such grower of the decision involved. Upon receipt of such appeal, the secretary of the Control Committee shall submit the same, together with all applicable information and data, including the report of the exemption committee on that grower's application to the members of the Control Committee, who thereafter shall review the same and shall determine whether and to what extent the applicant is entitled to an exemption certificate. Thereupon the secretary of the Control Committee shall issue to that grower such exemption certificate as the Control Committee shall determine to be proper.

(e) *Appeal to Secretary.* Any grower who is dissatisfied with the Control Committee's determination with respect to any appeal by that grower from a decision by an exemption committee or by the secretary of the Control Committee with respect to that grower's application for an exemption certificate, may appeal from such determination by the Control Committee to the Secretary of Agriculture. Any such appeal shall be made by filing with the secretary of the Control Committee a written notice of appeal within fifteen (15) days after notice to that grower of the Control Committee's action on that grower's application for an exemption certificate. Promptly upon receipt of notice of an appeal signed by the applicant, the secretary of the Control Committee shall forward to the Secretary of Agriculture, or to his designated representative, a true and correct copy of all information pertaining to that grower's application for an exemption certificate and the action taken thereon by the Control Committee, together with such written information and proof as was submitted to or obtained by the Control Committee with regard to said application, and a true copy of the appellant grower's notice of appeal.

§ 939.106 *Pears for by-product, charitable, or gift purposes.* (a) Pears which do not meet the requirements of any effective grade or size regulation shall not be shipped or handled for consumption by any charitable institution or for distribution by any relief agency or for conversion into any by-product, unless there first shall have been delivered to the manager of the Control Committee a certificate executed by the intended receiver and user of said pears, showing, to the manager's satisfaction, that said pears actually will be used for one or more of the aforesaid purposes.

(b) There are exempted from the provisions of the marketing agreement and order any and all pears which, in individual gift packages, are shipped directly to, or which are shipped for distribution without resale to, an individual person as the consumer thereof, and any and all pears which, in individual gift packages are shipped directly to, or are shipped for distribution without resale to, a purchaser who will use these pears solely for gift purposes and not for sale.

§ 939.107 *Reports.* (a) Each shipper handling pears covered by an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such pears. Such shipper, after having shipped as many pears as authorized by the particular exemption certificate, shall promptly mail to the secretary of the Control Committee, such handler's copy of the exemption certificate containing an accurate record of such shipments.

(b) Each handler shall furnish to the Control Committee as of the 1st day and the 15th day, respectively, of each calendar month a report containing the following information on Form 1 "Handler's Statement of Pear Shipments":

(i) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding half month;

(ii) The date of each shipment;

(iii) The car numbers or truck license numbers, as the case may be, of all cars or trucks in which such shipments were made;

(iv) The ultimate destination, by city and State; and

(v) The name and address of such handler.

(c) Each handler shall furnish to the Control Committee, as of October 15 of each season and as of the fifteenth and last days of each month thereafter, a report containing the following information on Form 4R, "Handlers' Packout Report":

(i) The total of the packout of each variety;

(ii) The quantity of each variety loose in storage;

(iii) The volume of each variety sold, unsold, stored East and West, and in transit; and

(iv) The name and address of such handler.

(d) Each handler who has pears inspected and certificated in lots larger than carload lots and who wishes to rely on such lot inspections in lieu of inspection certificates for individual carlot shipments shall deliver to the manager within 10 days after shipment of any such pears a written report showing the quantity, variety, grade, and size of the pears so shipped and the date of shipment thereof, and said report shall identify such pears with the lot-inspection certificate covering the same, and shall further show what portion of that lot remains unshipped, and where located; such reports shall be in addition to, and not in lieu of, the semi-monthly handler's reports of shipments required under paragraphs (b) and (c) of this section.

(e) Each handler shall specify on each bill of lading covering each shipment the variety, and number of boxes thereof, of all pears included in that shipment.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed rules and regulations shall file the same in quadruplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than fifteen

days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 14th day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-6466; Filed, July 19, 1948; 8:54 a. m.]

[7 CFR, Part 968]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kans., marketing area. Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Wichita, Kans., on June 7, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER on May 26, 1948 (13 F. R. 2825).

The only material issues of record were the amounts of the Class I and Class II differentials.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

The Class I differential should be increased from 80 cents to $1.00 during the months of April, May, and June of each year, and to $1.45 during the remaining months of each year.

The Class II differentials should be increased from 55 cents to 75 cents during the months of April, May, and June of each year, and to $1.20 during the remaining months of each year.

The record evidence indicates that immediate action must be taken if the Wichita market is to avoid an acute shortage of milk during the fall and winter months. Since January of this year producer receipts have been substantially below those of a year ago. At the same time the total of Class I and Class II sales has been higher than a year ago.

Since Wichita has been for several years a short market, having enough milk for its Class I and Class II requirements only during the months of peak production, it is evident that if present trends continue the shortage later in the year would be much greater than in recent years.

A review of the record shows that since late in 1942, the receipts of producer milk on the market have been less than the Class I and Class II sales except for the peak production months of 1947. Receipts in April of 1948 were very slightly in excess of Class I and Class II sales. The record further reveals that from 1942 until January of 1948 there was a gradual but fairly steady increase in receipts on the market. This increase, however, was not enough to keep pace with increases in consumption and the market became extremely short. Since January the production trend has reversed itself and the average daily receipts in February, March, and April of this year were substantially below those of the corresponding months of 1947. This decline in receipts has occurred in spite of the fact that there has been an increase in the number of producers on the market.

Average daily production per farm in February, March, and April of 1947 was 338 pounds, 350 pounds and 361 pounds respectively. For the same months of this year it was 290 pounds, 293 pounds and 316 pounds, an average decline of approximately 15 percent.

Since the middle of 1947, there has been a decided increase in Class I sales and the average of the combined Class I and Class II sales in February, March, and April of this year is substantially higher than during the corresponding months of 1947. Indications are very strong that this upswing in demand will continue for some time. Industrial plants in Wichita are rapidly expanding their employment as a result of the preparedness program, and the market expects a sizable increase in population within the next few months. If this demand is to be met either a far greater number of producers must be induced on the market or the existing producers must be encouraged to expand their production very greatly.

Under the existing conditions the present differentials are failing to maintain the existing supply of milk let alone increase it to the volume needed. A great many factors have contributed to this decline in the milk supply. Perhaps the most important is the fact that the milkshed lies principally in a diversified farm area, and producers may shift readily from dairying to other farm enterprises as they become more favorable. The evidence shows that over the past eighteen months the production of beef, hogs, and grains has been relatively much more favorable than milk production. The result has been that producers have greatly reduced their herds and have concentrated on the production of more profitable commodities. This movement is clearly reflected in the decline in average production per farm.

If sufficient milk is to be induced on the market, the price of milk must be brought into a more favorable relationship with competing enterprises. It is estimated that under the conditions likely to prevail in the immediate future an increase in the Class I and Class II differentials of at least 20 cents during April, May, and June, and 65 cents during the remaining months would be necessary to attract sufficient milk to the market.

The increase in differentials was objected to principally on the grounds that it would result in a decrease in consumption. The weight of the evidence in the record does not substantiate this view. As pointed out above, the evidence shows that the population of the marketing area is on the increase, and that employment is at a high level and promises to continue so for some time to come. It appears, therefore, that the effects upon total consumption which might result from the increased differentials alone will not be substantial.

Rulings on proposed findings and conclusions. Four briefs were filed on behalf of (1) the Wichita Milk Producers Association, (2) Beatrice Foods Company, (3) Steffen's Dairy Foods Company, DeCoursey Cream Company, Snyder Dairy Products Company, and Marymac Dairies, and (4) Hyde Park Dairies, Inc., Boeing Airplane Company, Wichita Division, International Association of Machinists, District Lodge No. 70, and George Siefkin, producer and consumer.

The briefs contain statements of fact, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendment to the tentative marketing agreement is not repeated because the regulatory provisions thereof would be identical with the following:

Amend § 968.4 (a) by deleting subparagraphs (1) and (2) thereof and substituting therefor the following:

(1) *Class I milk.* The price per hundredweight shall be the price determined pursuant to paragraph (b) of this section plus $1.00 during the months of April, May, and June of each year, and plus $1.45 during the remaining months of each year.

(2) *Class II milk.* The price per hundredweight shall be the price determined pursuant to paragraph (b) of this section plus 75 cents during the months of April, May, and June of each year, and plus

$1.20 during the remaining months of each year.

Filed at Washington, D. C., this 14th day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-6465; Filed, July 19, 1948; 8:54 a. m.]

[7 CFR, Part 984]

[Docket AO-192]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 61 Stat. 208, 707), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps. 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at San Francisco, California, on April 27–29, 1948, both dates inclusive, pursuant to a notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1934, 1955) on April 9 and 10, 1948, upon a proposed marketing agreement and a proposed marketing order for regulating the handling of walnuts grown in California, Oregon, and Washington.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on June 17, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (13 F. R. 3359) on June 23, 1948.

The time for filing exceptions has expired, and no exception to the aforementioned recommended decision of the Assistant Administrator of the Production and Marketing Administration has been filed.

The material issues and the findings and conclusions of the aforesaid recommended decision, as set forth in the FEDERAL REGISTER (F. R. Doc. 48-5579; 13 F. R. 3359), are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Walnuts Grown in California, Oregon, and Washington" and "Order Regulating the Handling of Walnuts Grown in California, Oregon, and Washington" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Order[1] Regulating the Handling of Walnuts Grown in California, Oregon, and Washington

Sec.

AUTHORITY: §§ 984.0 to 984.14, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 248, Pub. Law 132, 305; 61 Stat. 208, 707; 7 U. S. C., 601 et seq.

§ 984.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at San Francisco, California, on April 27–29, 1948, inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of walnuts grown in California, Oregon, and Washington. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by this order that makes necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) It is hereby found and proclaimed that the purchasing power of walnuts grown in California, Oregon, and Washington during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the United States Department of Agriculture, but the purchasing power of such walnuts can be satisfactorily determined from available statistics of the United States Department of Agriculture for the period August 1919–July 1929, and such period is the base period to be used in connection with the determination of the purchasing power of walnuts under this order.

Order relative to handling. It is, therefore, ordered that any handling of walnuts produced in California, Oregon, or Washington, as is in the current of interstate or foreign commerce shall, on and after the effective time hereof, be in conformity to and in compliance with the terms and conditions of the following order:

§ 984.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

(b) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(c) "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

(d) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum standards of quality and maturity prescribed pursuant to § 984.3 (a).

(e) "Area of production" means the states of California, Oregon and Washington.

(f) "Person" means an individual, partnership, corporation, association, or any other business unit.

(g) "Handler" means any packer or distributor of unshelled walnuts.

(h) "Packer" means any person packing and handling unshelled walnuts.

(i) "Distributor" means any person, other than a packer, handling unshelled walnuts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

(j) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

(k) "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.3 (a).

(l) "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts in any manner whatsoever.

(m) "To handle" means to sell, consign, transport, ship (except as a common carrier of walnuts owned by another person), or in any other way to put into

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

the channels of trade in the current of interstate or foreign commerce.

(n) "To ship" means to convey or cause to be conveyed by railroad, truck, boat or any other means whatsoever, but not as a common carrier for another person.

(o) "Marketing year," for the purposes of this order, means the twelve months from August 1 to the following July 31, both inclusive.

(p) "Handler carryover" as of any given date means all merchantable walnuts (except merchantable walnuts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable walnuts in ungraded lots then held by handlers and intended for packing as merchantable walnuts.

(q) "Trade carryover" means all merchantable walnuts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store trade, exclusive of walnuts in retail outlets, as of any given date.

(r) "Trade demand" means the quantity of merchantable walnuts which the wholesale and chain store trade will acquire from all handlers during a marketing year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone: *Provided*, That there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

(s) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(t) "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.2.

§ 984.2 *Control Board*—(a) *Membership.* (1) A Control Board is hereby established consisting of nine (9) members. The original members and their respective alternates shall consist of the members and alternates respectively of the Control Board selected by the Secretary pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, and who are holding these positions on July 31, 1948. Said members and alternates shall hold office for a term ending with the first Monday in April, 1949, and until their successors shall be selected and shall qualify.

(2) The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one (1) year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One (1) member and one (1) alternate member shall be selected from nominees by each of the following groups, or from among other qualified persons belonging to such groups:

(i) The cooperative handlers doing business within the State of California;

(ii) All handlers, other than the cooperative handlers, doing business within the State of California;

(iii) The group of cooperative handlers or other than cooperative handlers doing business within the State of California, who during the preceding marketing year handled more than fifty (50) percent of the merchantable walnuts handled by handlers located within the State of California;

(iv) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(v) All other growers of walnuts whose orchards are located in California;

(vi) Those growers, whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the handler group specified in subdivision (iii) of this subparagraph;

(vii) The handlers, whose plants are located within the States of Oregon or Washington;

(viii) The growers of walnuts whose orchards are located within the States of Oregon or Washington.

The ninth member shall be selected after the selection of the eight (8) members from the above specified groups and after opportunity for such eight (8) members to nominate the ninth member.

(b) *Nominations.* Each of the eight (8) groups specified in the foregoing subsection may nominate one (1) person as member and one (1) person as alternate; and the eight (8) members first selected may nominate, by majority vote, one (1) person as member and one (1) person as alternate for the ninth member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on the basis of ballots cast by each such cooperative handler for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative handlers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing areas in California, Oregon, and Washington. Such releases shall provide pertinent information including the names of incumbents from the areas involved and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by the handler or for the cooperative grower group during the preceding marketing year, and if less than one (1) ton is recorded for any such handler or grower group, its vote shall be weighted as one (1) vote. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative handlers and growers marketing through other than cooperative handlers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative handlers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative handlers recorded as certified for handling by them during the preceding marketing year. For the first year in which nominations are made the records of walnuts certified for handling of the predecessor Walnut Control Board shall be used. Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before March 20 of each marketing year, together with a certificate of all necessary tonnage data and other information deemed by the Board to be pertinent or requested by the Secretary. If the Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before March 20 of any year, the Secretary may select the member or alternate without nomination. If nominations for the ninth member or alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

(c) *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty (30) days after he ceases to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

(d) *Alternates.* (1) An alternate for a member of the Control Board shall act in the place and stead of such member (i) in his absence, or (ii) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(2) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this subsection a coop-

erative handler group and a cooperative grower group in the same State shall be considered the same group.

(e) *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected in the manner provided in paragraph (b) of this section within thirty (30) days after such vacancy occurs. If a nomination is not made and reported to the Secretary by the Board within such thirty (30) days, the Secretary may select a member or alternate to fill such vacancy.

(f) *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

(g) *Powers.* The Control Board shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof;

(4) To recommend to the Secretary amendments hereto.

(h) *Duties.* The duties of the Control Board shall be as follows:

(1) To act as intermediary between the Secretary and any handler or grower;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(5) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three (3) copies of all audit reports made;

(6) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith.

(i) *Procedure.* (1) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(2) All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six (6) members shall be required to constitute a quorum.

(3) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one (1) dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

(4) The Members of the Control Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 984.3 *Control of distribution*—(a) *Pack specifications and minimum standards.* In order to effectuate the declared policy of the act, the Control Board shall, with the approval of the Secretary, prescribe pack specifications for the several commercially recognized grades, including minimum standards of quality and maturity for the packing of unshelled walnuts; and thereafter, except as otherwise provided in paragraph (d) of this section, no handler shall handle any unshelled walnuts except those certified by the Control Board as merchantable and packed in accordance with such specifications and minimum standards. The provisions hereof relating to minimum standards of quality and maturity and grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the seasonal average price for walnuts is in excess of the parity level specified in section 2 (1) of the act. To aid the Secretary in determining whether to approve such pack specifications, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and such other data pertaining thereto as the Secretary may request.

(b) *Certification of merchantable walnuts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and for each lot of surplus merchantable walnuts. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, whether or not for interstate shipment, if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the pack specifications and minimum requirements prescribed pursuant to paragraph (a) of this section. The Control Board may direct that such certificate be not issued to any handler who has failed to meet his surplus obligation in accordance with the terms hereof. All lots so inspected and certified shall be identified by appropriate seals or stamps and tags to be affixed to the containers by the handler under the direction and supervision of the Control Board.

(c) *Copies of certificate.* Copies of each such certificate shall be furnished by the inspector to the handler and the Control Board.

(d) *Walnuts for packing and shelling.* Nothing contained herein shall be construed to prevent any person from selling or delivering, within the area of production, unshelled walnuts, other than merchantable walnuts, to any packer for packing or sheller for shelling: *Provided,* That all such sales or deliveries involving the shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, must be reported by the shipper to the Control Board at the time of shipment. This report shall show the quantities shipped, the identity of the consignee and whether the walnuts so shipped will be packed or shelled.

§ 984.4 *Withholding of surplus*—(a) *Salable and surplus percentages.* The salable and surplus percentages of merchantable walnuts for each marketing year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act. In fixing the salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable walnuts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendations submitted to him by the Control Board, and such other pertinent data as he deems appropriate.

The total of the salable and surplus percentages fixed each marketing year shall equal one hundred (100) percent. The salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over twelve (12) percent by count pass through a round opening $^{9}\%_{64}$ inches in diameter.

(b) *Increase of salable percentage.* At any time prior to February 15 of any marketing year the Secretary may, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding marketing year at least ten (10) percent of the total tonnage handled by all packers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts available for sale will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

(c) *Estimated carryover, trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each marketing year, the following estimates and recommendation, each of which shall be adopted by at least a two-

thirds (⅔) vote of the entire Control Board:

(1) Its estimate of the quantity of merchantable walnuts to be produced and packed during such year;

(2) Its estimate of handler carry-over as of August 1;

(3) Its estimate of trade carry-over as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carry-over at the beginning and end of the marketing year;

(5) Its recommendation as to the salable and surplus percentages to be fixed.

The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

(d) *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage. Such percentage shall be announced by the Secretary and, in its computation, shall be adjusted to the nearest whole number.

(e) *Withholding of surplus merchantable walnuts.* No handler shall handle unshelled walnuts unless prior to or upon the shipment thereof (except as otherwise provided in paragraph (f) of this section) he shall have withheld from handling a quantity of merchantable walnuts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided,* That this provision shall not apply to any lot of walnuts for which the surplus obligation has been met by a previous holder, nor to separate packs of walnuts, of which not over twelve (12) percent by count pass through a round opening $^{9}\!/_{64}$ inches in diameter. The quantity of walnuts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The merchantable walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(f) *Postponement of withholding surplus upon filing bond.* (1) Compliance by any packer with the requirements of paragraph (e) of this section as to the time when surplus walnuts shall be withheld shall be deferred to any date desired by the packer but not later than December 31 of the marketing year, upon the voluntary execution and delivery by such packer to the Control Board, before he handles any merchantable walnuts of such marketing year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by paragraph (e) of this section.

(2) Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the Control Board, and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(3) Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at ninety-five (95) percent of the opening price for such pack announced by the packer or packers who during the preceding marketing year handled two-thirds (⅔) of the merchantable walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds (⅔) of the total volume handled. If such opening prices involve different prices announced by two (2) or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(4) Any sums collected through default of a packer on his bond shall be used by the Control Board to purchase, from packers, as provided herein, a quantity of merchantable walnuts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The Control Board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(5) Any unexpended sums, which have been collected by the Control Board through default of a packer on his bond, remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Board for its expenses including administrative and other costs incurred in the collection of such sums and in the purchase of merchantable walnuts as provided in (4) of this paragraph (f). Any balance remaining after reimbursement of such expenses shall be refunded to all packers from whom sums were collected on bonds during such marketing year, in proportion to the respective collections thereunder.

(6) Walnuts purchased as provided in this subsection shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of walnuts to be delivered to each packer to the total quantity purchased by the Control Board with bonding funds.

(7) Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this paragraph (f) of this section shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided,* That the walnuts purchased by the Control Board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in § 984.5 for the disposal of surplus.

(g) *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to and under the supervision and direction of the Control Board, acquire from another handler merchantable walnuts with respect to which the surplus has not been withheld and any surplus obligation with respect to any walnuts so transferred shall be waived. If any such sales are made from walnuts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the Control Board that the purchaser is withholding such walnuts as surplus.

(h) *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable walnuts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus walnuts.

(i) *Application of salable, surplus and withholding percentages, and bonding rates, after end of marketing year.* (1) The salable, surplus and withholding percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such marketing year and before salable, surplus and withholding percentages are established for the succeeding marketing year. After such percentages are established for the new marketing year, the withholding requirements for all such walnuts theretofore handled or certified for handling during that marketing year shall be adjusted to the newly established percentages. Pending the establishment of such percentages for the marketing year beginning August 1, 1948, the effective withholding percentage shall be twenty-five (25) percent.

(2) The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to paragraph (f) of this section, before the bonding rates for the new marketing year are established. After such bonding rates are established for the new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates. Pending the establishment of bonding rates for the marketing year beginning August 1, 1948, the bonding rates shall be the credit values for the corresponding packs theretofore established for the

crop year ending July 31, 1948, pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

(j) *Exchange of surplus walnuts.* Any handler who has withheld surplus walnuts pursuant to the requirements of paragraph (e) of this section and has had same certified as surplus walnuts may exchange therefor an equal quantity, by weight, of other merchantable walnuts. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the walnuts involved.

(k) *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the walnuts handled by him for the entire marketing year shall be recomputed in accordance with such revised salable, surplus and withholding percentages. From the surplus walnuts still held by a handler and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.5 (b), and still held by the Control Board, the handler shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus walnuts to be restored to his salable percentage.

§ 984.5 *Disposition of surplus*—(a) *Prohibition against handling of surplus.* Except as provided in paragraphs (b) and (c) of this section, surplus walnuts withheld pursuant to the requirements of § 984.4 (e) shall not be handled by any person as unshelled walnuts.

(b) *Disposition of surplus by export.* Sales of surplus walnuts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone shall be made only by the Control Board. Any handler desiring to export any part or all of his surplus walnuts shall deliver to the Control Board his surplus to be exported; but the Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any walnuts so delivered for export which the Control Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the Control Board, upon such terms and conditions as the Control Board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five (5) percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus walnuts are so sold by the Board.

(c) *Disposal of surplus for shelling.* (1) Any handler may shell his surplus walnuts or deliver them for shelling to an authorized sheller.

(2) Any person who desires to become an authorized sheller in any marketing year may submit an application to the Control Board. Such application shall be granted only upon condition that the applicant agrees:

(i) To use such surplus walnuts as he may receive for no purpose other than shelling;

(ii) To dispose of or deliver such surplus walnuts, as unshelled walnuts, to no one other than another authorized sheller;

(iii) To comply fully with all laws and regulations applicable to the shelling of walnuts;

(iv) To report to the Control Board, immediately upon receipt of any lot of surplus walnuts, the quantity and pack of the walnuts so received and the identity of the person from whom received, and within fifteen (15) days after the disposition of such walnuts, to report their disposition to the Control Board. All such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

The Board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the marketing year during which it is issued by the Board.

§ 984.6 *Reports and books and records*—(a) *Reports of handler carryover.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report, under oath, of all merchantable walnuts (except walnuts held as surplus) including the estimated quantity of merchantable walnuts in ungraded lots intended for packing as merchantable walnuts, by him held on the first day of August and January, respectively, showing the pack (if merchantable), and location thereof, and the quantities:

(1) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(2) Which have been packed as merchantable walnuts but have not been certified; and

(3) Which are estimated as merchantable but have not been packed as merchantable walnuts and are intended for packing as merchantable walnuts.

(b) *Reports of disposition of surplus.* (1) Each handler, before he disposes of any quantity of surplus walnuts held by him, shall file with the Control Board a report of his intention to dispose of such quantity of surplus walnuts. This report shall be filed not less than five (5) days prior to the date on which the surplus walnuts are disposed of unless the five (5) day period is expressly waived by the Control Board.

(2) Each handler, within fifteen (15) days after the disposition of any quantity of surplus walnuts, shall file with the Control Board a report of the actual disposition of such quantity of surplus walnuts. Such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

(3) Each handler, from time to time, on demand of the Control Board, shall file with the Board a report of his holdings of surplus walnuts as of any date specified by the Board. Such report, at the request of the Control Board, may be in the form of a confirmation of the records of the Control Board of such handler's holdings.

(4) All reports required by this paragraph of this section shall show the quantity, pack and location of the walnuts covered by such reports and in the case of reports required by subparagraphs (1) and (2) of this paragraph, the applicable handler's storage lot and Control Board certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

(c) *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein), such other information as will enable the Control Board to perform its duties and to exercise its powers hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Control Board, through its duly authorized agents, shall have access to the handler's premises wherever walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Every handler shall store surplus walnuts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to Control Board certificates of respective lots of all such walnuts held or theretofore disposed of.

§ 984.7 *Expenses and assessments*—(a) *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such marketing year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 15 of the marketing year in connection with which such recommendation is made. The funds to cover such ex-

penses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler shall pay to the Control Board on demand by the Control Board, from time to time, the sum of 0.10¢ for each pound of merchantable walnuts handled or certified for handling by him after the effective date hereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment to apply to all walnuts handled or certified for handling during such marketing year to secure sufficient funds to cover the expenses authorized by paragraph (a) of this section or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(2) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder may be used and shall be refunded by the Control Board in accordance with the provisions hereof. Such excess funds may be used by the Control Board during the period of four (4) months subsequent to such marketing year in paying the expenses of the Control Board incurred in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available, within five (5) months after the beginning of the new marketing year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said marketing year.

(3) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

§ 984.8 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.9 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.10 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.12 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 984.13 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than fifty (50) percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon said joint trustees.

§ 984.14 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

It is hereby determined, that the period beginning August 1, 1947, and ending May 31, 1948, is the representative period for use in ascertaining whether the issuance of the proposed marketing order regulating the handling of walnuts grown in California, Oregon, and Washington, annexed to and made a part of this decision, is approved or favored by producers, as required by the act, who during such period were engaged, within the production area specified in the marketing order, in the production of walnuts for market.

Done at Washington, D. C., this 15th day of July 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6467; Filed, July 19, 1948; 9:01 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Boston Tuberculosis Association, 554 Columbus Avenue, Boston, Massachusetts; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective July 1, 1948, and expires June 30, 1949.

Community Workshops of Rhode Island, Inc., 79–83 North Main Street, Providence 3, Rhode Island; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective July 1, 1943 and expires June 30, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be canceled in the manner provided by the regulations. Any person aggrieved by the issuance of either of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of July 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48-6439; Filed, July 19, 1948; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1498, et al.]

WIEN ALASKA AIRLINES, INC. ET AL.; ARCTIC SLOPE AND SEWARD PENINSULAR MAIL SERVICE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Wien Alaska Airlines, Inc., and other applicants for certificates of public convenience and necessity, and the certification of the Postmaster General, with respect to the transportation of mail by aircraft within Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter which was assigned to be held on July 26, 1948, has been postponed until August 3, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 13, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-6437; Filed, July 19, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1078]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING RATE SCHEDULE

JULY 13, 1948.

It appearing to the Commission that:

(a) United Gas Pipe Line Company (United) submitted for filing on June 18, 1948, a proposed supplement designated as Supplement No. 3 to its Rate Schedule FPC No. 95, which gives notice of United's intention to increase the charges to Mississippi Power & Light Company (Mississippi Power) for gas resold in Jackson, Mississippi, and other nearby communities as a result of the application of a tax adjustment clause due to recent taxes instituted by the State of Mississippi. Rate Schedule FPC No. 95 was accepted for filing by Commission order dated October 21, 1947, which stated:

(A) * * * *Provided, however,* That United before changing any of the named rates and charges, as provided by the aforesaid provisions relating to taxes, to be demanded, charged and collected from Mississippi Power & Light Company, shall file such changes as required by the Natural Gas Act and the Commission's Regulations thereunder.

(b) The proposed supplement consists of a letter notifying the Commission that United proposes to bill Mississippi Power & Light Company for increased taxes imposed by the State of Mississippi under the following bills passed by the 1948 Mississippi Legislature:

(1) Senate Bill No. 574 generally assessing a tax of not in excess of 1/10th mill (0.01¢) per Mcf of gas produced effective May 12, 1948, to support the State Oil and Gas Board;

(2) House Bill No. 485 generally assessing a severance tax of the greater of (a) 6% of well mouth value, or (b) 3 mills (0.3¢) per Mcf effective July 1, 1948.

(c) United estimates that the proposed increase will approximate $16,730 or 1.3% more than provided by its existing rates during the first 12 months.

(d) United has not furnished the Commission with cost information which would support or justify the proposed increased rates and charges nor has it submitted all of the data as required by § 154.3 (c) (6) of the Commission's regulations under the Natural Gas Act relating to the increased rates and charges.

(e) The aforesaid Supplement No. 3 may result in rates and charges which are not definite and certain.

(f) United has been and is now a natural gas company, subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in the States of Texas, Mississippi, Louisiana, Alabama and Florida and in the sale in interstate commerce of natural gas so transported to various purchasers for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(g) The rates, charges, classifications, rules, regulations, practices and contract requirements to be made, demanded, collected and imposed, as set forth in the aforesaid Supplement No. 3, may be unjust, unreasonable, unduly discriminatory and prejudicial.

(h) The aforesaid provisions relating to subsequent changes and adjustments, referred to in paragraphs (a), (b) and (c), above, may be unlawful and contrary to the provisions of section 4 (d) of the Natural Gas Act and § 154.3 (c) of the Commission's regulations thereunder.

The Commission finds that: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges, and classifica-

tions as set forth in the aforesaid Supplement No. 3, referred to in paragraph (a) and that said Supplement should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held on a date to be hereafter fixed by the Commission in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, and classifications subject to the jurisdiction of the Commission as set forth in the aforesaid designated Supplement No. 3, referred to in paragraph (a), above, tendered for filing by the United Gas Pipe Line Company.

(B) Pending such hearing and decision thereon, Supplement No. 3, referred to in paragraph (a) above, submitted by United Gas Pipe Line Company for filing, except insofar as such supplement provides rates, charges, classifications, or services for the sale of natural gas for resale for industrial use only, be and it hereby is suspended and use deferred of such rates, charges, and classifications until December 18, 1948, or until such time thereafter as said Supplement shall be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6420; Filed, July 19, 1948; 8:46 a. m.]

[Docket No. G-1033]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 12, 1948, by Memphis Natural Gas Company (merged with Texas Gas Transmission Corporation, April 9, 1948) with the Federal Power Commission, and the amended application filed June 28, 1948, by Texas Gas Transmission Corporation (Applicant), a Delaware corporation, with its principal office at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of additional gas compressor units at compressor stations at Lula and Benoit, Mississippi, and at Wilmot, Arkansas, a new compressor station located at the inlet side of Applicant's Lisbon 20-inch O. D. pipeline in Claiborne Parish, Louisiana, and approximately 9,000 feet of extension to a submarine crossing of the Mississippi River at Greenville, Mississippi, proposed to increase the delivery capacity of Applicant's Memphis system from 185,000 Mcf daily to 200,000 Mcf daily, subject to the jurisdiction of the Commission, as fully described in the application and amendment on file with the Commission and open to public inspection, public notice thereof having been given including publication in the FEDERAL REGISTER on May 5, 1948 (13 F. R. 2418);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 3, 1948, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and amendment; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 14, 1948.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6431; Filed, July 19, 1948; 8:49 a. m.]

[Docket No. G-1064]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 14, 1948.

Notice is hereby given that on June 28, 1948, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

(1) *Compressor station additions.* (a) Two (2) 1,100 h. p. compressor units, together with other appurtenances and equipment at the Sublette, Kansas, Compressor Station.

(b) Two (2) 1,400 h. p. compressor units, together with other appurtenances and equipment at the Mullinville, Kansas, Compressor Station.

(c) One (1) 1,400 h. p. compressor unit, together with other appurtenances and equipment at the Bushton, Kansas, Compressor Station.

(d) One (1) 1,100 h. p. compressor unit, together with other appurtenances and equipment at the Clifton, Kansas, Compressor Station.

(e) One (1) 1,400 h. p. compressor unit, together with other appurtenances and equipment at the Palmyra, Nebraska, Compressor Station.

(2) *Pipeline additions.* (a) Approximately 9.11 miles of 24-inch O. D. loop pipeline beginning at a point in the Southwest Quarter (SW¼) of Section 24, Township 4 South, Range 2 East, and extending in a northerly direction to a point in the Southwest Quarter (SW¼) of Section 10, Township 3 South, Range 3 East, all in Washington County, Kansas.

(b) Approximately 17.15 miles of 20-inch O. D. loop pipeline beginning at a point in the Northwest Quarter (NW¼) of Section 27, Township 13 North, Range 8 East, and extending in a northerly direction to a point in the Southwest Quarter (SW¼) of Section 27, Township 16 North, Range 8 East, all in Saunders County, Nebraska.

(c) Approximately 8.4 miles of 24-inch O. D. loop pipeline from a point in the Northwest Quarter (NW¼) of Section 18, Township 76 North, Range 37 West, and extending in a northeasterly direction to a point in the Northeast Quarter (NE¼) of Section 19, Township 77 North, Range 36 West, all in Cass County, Iowa.

(d) Approximately 11.03 miles of 24-inch O. D. loop pipeline beginning at a point in the Northwest Quarter (NW¼) of Section 10, Township 90 North, Range 26 West, and extending in a northeasterly direction to a point in the Northwest Quarter (NW¼) of Section 27, Township 92 North, Range 25 West, all in Wright County, Iowa.

The application states that the proposed facilities, together with (1) the installation of certain of the facilities not yet constructed but authorized at Docket No. G-763, (2) the facilities authorized at Docket No. G-998, and (3) the facilities for which authorization was applied for at Docket No. G-1034, will enable Applicant to increase deliverability of its present system capacity of approximately 390,000 Mcf per day north of Clifton, Kansas, to approximately 465,000 Mcf per day. Completion of all the remaining facilities authorized but not yet installed at Docket No. G-763 and Docket No. G-998 will bring capacity to 420,000 Mcf per day. The facilities at Docket No. G-1034 are designed to bring capacity to 425,000 Mcf per day. The facilities applied for in the instant docket (No. G-1064) will add approximately 40,000 Mcf per day of additional capacity for the 1949-50 heating season.

The estimated total over-all capital cost of the proposed facilities is $4,008,000. Applicant proposes to finance this cost of construction by the sale of debentures, issuance of common stock, bank loans, or a combination of all or part of these methods.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to

make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rules 8 or 10, whichever is applicable of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6433; Filed, July 19, 1948; 8:49 a. m.]

[Docket No. G-1068]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 14, 1948.

Notice is hereby given that on July 1, 1948, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, approving the construction and authorizing the continued operation of certain facilities already installed and described as follows:

(a) A sales meter constructed at approximately Mile Post 92.8 on Applicant's Sterlington-Jackson Line serving the Town of Edwards, Mississippi.

(b) A sales meter constructed at approximately Mile Post 103.8 on said Sterlington-Jackson Line serving the Town of Bolton, Mississippi.

The application recites that on February 24, 1948, Applicant began selling natural gas to Mississippi Power & Light Company at the above-described point, for resale in the Town of Edwards, which town in 1945 had a population of approximately 1,110. The application further recites that on April 27, 1948, Applicant began selling natural gas to Mississippi Power & Light Company at the above-described point for resale in the Town of Bolton, which town in 1945 had a population of approximately 627.

Applicant states that the application is filed for the sole purpose of complying with the Commission's request and is filed without prejudice to the position heretofore taken by Applicant, i. e., that no certificate was necessary before installation of said facilities since these facilities were constructed on one of Applicant's "grandfather" lines, and without in any manner conceding that Applicant has in any way not complied with the Natural Gas Act and the rules and regulations of the Federal Power Commission thereunder.

The over-all capital cost of the facilities constructed was $8,481.00, all of which Applicant financed out of cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rules 8 or 10, whichever is applicable of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6432; Filed, July 19, 1948; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

TRANSPORTATION OF PASSENGERS BETWEEN POINTS IN UNITED STATES BY WAY OF FOREIGN PORTS

EXEMPTION FROM CERTAIN REQUIREMENTS

JULY 13, 1948.

By Public Law 633, approved June 12, 1948, there was added to part III of the Interstate Commerce Act a provision, section 303 (e) (1), reading as follows:

> Notwithstanding any provision of this part the Commission may, by order, from time to time, upon application, or upon its own initiative without application, exempt from the requirements of this part the transportation of passengers between points in the United States by way of a foreign port or ports, upon a finding that application of such requirements thereto is not necessary to carry out the national transportation policy declared in this act.

This provision conforms with the recommendation made in the Commission's 61st (1947) Annual Report, wherein it was suggested that the Commission be authorized to exempt from the requirements of part III the transportation of passengers between points in the United States by way of foreign ports, upon a finding that application of such requirements thereto is not necessary to carry out the national transportation policy.

Carriers desiring exemption under section 303 (e) (1) should submit applications conforming with the applicable provisions of the general rules of practice, taking care to set forth therein information sufficient to afford a basis for determination thereof in conformity with the general standard of the statute.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-6438; Filed, July 19, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1051]

GENERAL PUBLIC UTILITIES CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of General Public Utilities Corporation, 61 Broadway, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Chicago Stock Exchange is the State of Illinois; that out of a total of 7,135,086 shares outstanding, 292,741 shares are owned by shareholders in the vicinity of the Chicago Stock Exchange; and that in the vicinity of the Chicago Stock Exchange there were 1,338 transactions involving 133,974 shares of this security during the period from October 1, 1946 to September 30, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Chicago Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $5.00 Par Value, of General Public Utilities Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6423; Filed, July 19, 1948; 8:47 a. m.]

[File No. 7-1052]

REXALL DRUG, INC.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $2.50 Par Value, of Rexall Drug, Incorporated, Los Angeles, California.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the Boston Stock Exchange, the Los Angeles Stock Exchange, and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Chicago Stock Exchange is the State of Illinois; that out of a total of 3,501,120 shares outstanding, 281,696 shares are owned by shareholders in the vicinity of the Chicago Stock Exchange; and that in the vicinity of the Chicago Stock Exchange there were 1,985 transactions involving 298,995 shares during the period from October 1, 1946 to September 30, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Chicago Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, $2.50 Par Value, of Rexall Drug, Incorporated, be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6424; Filed, July 19, 1948; 8:47 a. m.]

[File No. 7-1053]

SCHENLEY DISTILLERS CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation, 350 Fifth Avenue, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Chicago Stock Exchange is the State of Illinois; that out of a total of 3,600,000 shares outstanding, 193,074 shares are owned by shareholders in the vicinity of the Chicago Stock Exchange; and that in the vicinity of the Chicago Stock Exchange there were 2,308 transactions involving 276,417 shares of this security during the period from October 1, 1946 to September 30, 1947.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Chicago Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6425; Filed, July 19, 1948; 8:47 a. m.]

[File No. 7-1075]

H. C. BOHACK CO., INC.

ORDER DETERMINING CERTAIN STOCKS TO BE SUBSTANTIALLY EQUIVALENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the 5½% Prior Cumulative Preferred Stock, Par Value $100.00, to be issued by H. C. Bohack Co., Inc., will be substantially equivalent to the 7% First Preferred Stock, Par Value $100.00, of this company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the 5½% Prior Cumulative Preferred Stock, Par Value $100.00, to be issued by H. C. Bohack Co., Inc., is hereby determined to be substantially equivalent to the 7% First Preferred Stock, Par Value $100.00, of this company, which has been admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6422; Filed, July 19, 1948; 8:47 a. m.]

[File Nos. 54-75, 54-161, 59-8, 59-20]

COMMONWEALTH AND SOUTHERN CORP. (DEL.) ET AL.

NOTICE OF FILING OF AMENDMENTS TO PLAN AND NOTICE OF OPPORTUNITY TO BE HEARD

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July 1948.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and Its Subsidiary Companies, Respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed an Application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "Act"), for approval of a Plan dated July 30, 1947, for compliance with sections 11 (b) (1) and 11 (b) (2) of the act; and the Commission in its notice of filing and order for hearing issued August 22, 1947 (Holding Company Act Release No. 7667) having summarized the terms of said Plan and having ordered a hearing thereon; and hearings having been held pursuant to said notice at which all the various classes of security holders of Commonwealth were represented, extensive testimony was taken and numerous exhibits were introduced; and

Subsequent to the closing of the record herein, various participants to these proceedings, representing in the aggregate substantial amounts of Commonwealth's preferred and common stock, having agreed to a compromise proposal dated May 7, 1948, with respect to a modification of Commonwealth's Plan; and

The staff of the Division of Public Utilities having on June 11, 1948, issued its proposed findings and opinion herein recommending that the Plan dated July 30, 1947, be disapproved by the Commission, but stating that the Plan could be approved by the Commission as fair and equitable if amended to include, among other things, the allocations contained in the compromise proposal dated May 7, 1948; and

Notice is hereby given that on July 7, 1948, Commonwealth filed amendments to its Plan of July 30, 1947, and an application pursuant to section 11 (e) of the act for approval of the Plan as amended. Such amendments are stated to be designed to modify its Plan of July 30, 1947, consistent with the rec-

ommendations of the staff and the compromise proposal of May 7, 1948. The filing indicates that a notice of the filing of such amendment has been mailed by the company to all of its stockholders.

Notice is further given that oral argument will be held in the above-entitled proceedings at 10:30 a. m., e. d. s. t., on July 29, 1948, at the office of the Commission, 425 Second Street NW., Washington 25, D. C., at which argument the participants herein will be afforded opportunity to be heard on Commonwealth's Plan, as amended, as well as on all the various other plans, or suggestions therefor, filed herein. Any interested person who is not a participant in this proceeding and who desires to be heard with respect to Commonwealth's Plan as amended may, not later than July 27, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that he be given an opportunity to be heard at the oral argument on July 29, 1948. Any such request should state the reasons therefor, the nature of the person's interest, and the issues of fact or law upon which he desires to be heard. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said amendments, which are on file at the offices of the Commission, for a full statement of the proposals contained therein which, insofar as they differ materially from the proposals contained in the Plan filed July 30, 1947, are summarized as follows:

Under the Plan as amended the holders of each share of Commonwealth's $6 Series Cumulative Preferred Stock (upon which the accrued unpaid dividends will be $17 per share on the date of distribution) would receive 2.80 shares of common stock of Consumers Power Company (instead of the 2.52 shares proposed in the Plan of July 30, 1947) and 0.55 shares of common stock of Central Illinois Light Company (the same amount as proposed in the Plan of July 30, 1947), together with $1 in cash (instead of $3 in cash). The common stockholders would receive, concurrently with the distributions to the preferred stockholders, their pro rata shares of the common stocks of The Southern Company and Ohio Edison Company, with the right reserved by Commonwealth to withhold distribution of the shares of Ohio Edison Company, in an amount deemed necessary or appropriate by Commonwealth, until the repayment of such temporary bank loans as may be incurred by it as provided for by the Plan as amended (instead of the concurrent pro rata distribution of the common stock of The Southern Company and the unqualified pro rata distribution of the common stock of Ohio Edison Company). Thereafter, the common stockholders would receive their pro rata share of the remaining assets, in kind or in cash, after payment of all liabilities.

The amendments provide for additional common stock financing of some of Commonwealth's subsidiaries prior to their divestment, including an investment by Commonwealth of approximately $13,600,000 in the common stock of Consumers Power Company, in order to acquire the additional shares required to increase the allocation to the preferred stockholders as shown above. Commonwealth also proposes to invest $10,000,000 in the common stock of The Southern Company in addition to the $10,200,000 investment proposed in pending applications-declarations (see Holding Company Act Release No. 8310), for the purpose of financing the subsidiaries of The Southern Company and reserves the right to invest up to an aggregate of $10,000,000 in the common stocks of Ohio Edison Company and Southern Indiana Gas and Electric Company.

The Plan, as amended, further provides that Commonwealth may, if necessary to provide funds for any of the foregoing investments, borrow temporarily such amounts as may be required up to, but not exceeding, $25,000,000 in the aggregate. The amount which may be borrowed will be repaid within two years after the effective date of the Plan from earnings or from the proceeds of the sale of any of the common stocks owned by it and not required for the initial distributions provided for by the Plan as amended.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6428; Filed, July 19, 1948; 8:48 a. m.]

[File No. 70-1680]

COMMONWEALTH AND SOUTHERN CORP. (DEL.) ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of July 1948.

In the matter of The Commonwealth & Southern Corporation (Delaware), the Southern Company, Alabama Power Company, Georgia Power Company, File No. 70-1680.

The Commission having by its opinion and order dated March 25, 1948 (Holding Company Act Release No. 8080) approved the sale by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, of all of the common stock of its subsidiary, South Carolina Power Company ("Power") pursuant to a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("the Act") and having found that the sale was necessary to effectuate the provisions of section 11 (b) of the act; and the Commission in said order having reserved jurisdiction over the use and expenditure by Commonwealth of the funds to be derived by Commonwealth from said sale (or of an amount equal thereto); and it appearing to the Commission that Commonwealth has disposed of all the common stock of Power and has received in return therefor approximately $10,200,000; and

Commonwealth, The Southern Company ("Southern"), also a registered holding company and a subsidiary of Commonwealth, Alabama Power Company ("Alabama"), and Georgia Power Company ("Georgia"), both direct public utility subsidiaries of Southern, having filed, as an amendment to the original application in the above matter, applications-declarations and an amendment thereto pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10, and 12 (f) of the act and Rule U-43 thereunder regarding the following proposed transactions relating to the use of the funds received by Commonwealth from the sale of the common stock of Power:

Commonwealth proposes to invest $10,200,000 in the common stock of Southern by the purchase of 1,020,000 additional shares of Southern's $5 par value common stock. Southern in turn proposes to use the proceeds of the sale of its common stock together with $2,800,000 of treasury cash to purchase 50,000 shares of no par value common stock of Alabama for $5,000,000 and to purchase 500,000 shares of no par value common stock of Georgia for $8,000,000. Alabama and Georgia propose to use the proceeds of the sales of their common stocks for additions and extensions to utility plant and property.

Said applications-declarations having been filed on June 21, 1948 and an amendment thereto having been filed on July 1, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said applications-declarations, as amended, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The proposed issuance and sale of securities by Alabama and Georgia having been expressly authorized by the Alabama Public Service Commission and the Georgia Public Service Commission, the State commissions of the States in which Alabama and Georgia, respectively, are organized and doing business; and

Commonwealth having requested that the order of the Commission with respect to the proposed application of the proceeds of the sale of the common stock of Power contain the findings and recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations, as amended, be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, and subject to the terms and conditions prescribed in Rule U-24, that said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith;

It is further ordered and recited and the Commission finds, That those parts

of the proposed transactions herein authorized as hereinafter specified are appropriate steps in conformity with this Commission's opinion and order dated March 25, 1948 under section 11 (e) of the act in File No. 54–166 and its order therein referred to dated August 1, 1947 entered pursuant to section 11 (b) (1) of the act in File Nos. 59–20, 59–8, 54–75, 54–152 and are necessary or appropriate to the integration or simplification of the holding company system of which Commonwealth, Southern, Alabama and Georgia are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of said act:

(a) The acquisition by Commonwealth for $10,200,000 of 1,020,000 shares of the $5 par value common stock of Southern by the expenditure of the proceeds derived by it from its sale, pursuant to the aforesaid orders of the Commission dated March 25, 1948 and August 1, 1947, of the common stock of Power, or of an amount equal to such proceeds;

(b) The issue and delivery by Southern to Commonwealth of said 1,020,000 shares of common stock of Southern;

(c) The expenditure by Southern of $6,200,000 for 387,500 shares without par value of common stock of Georgia and of $4,000,000 for 40,000 shares without par value of the common stock of Alabama; and

(d) The issue and delivery by Georgia to Southern of said 387,500 shares and by Alabama to Southern of said 40,000 shares.

It is further ordered, That the jurisdiction heretofore reserved by the Commission in its aforesaid order of March 25, 1948, over the use by Commonwealth of the proceeds of its sale of the common stock of Power is hereby released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48–6427; Filed, July 19, 1948; 8:48 a. m.]

[File No. 70–1885]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of July 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6 (a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 23, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 23, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at face amount to a commercial bank an unsecured promissory note having a face amount of $300,000 which will bear interest at the rate of 2¼% per annum, and will mature January 22, 1949. The proceeds of the sale of the note are to be used to repay an outstanding note in the same amount, which is due July 28, 1948, and which is held by the same commercial bank.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction on July 26, 1948.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48–6426; Filed, July 19, 1948; 8:48 a. m.]

UNITED STATES TARRIFF COMMISSION

[Application 331]

CALIFORNIA ALMOND GROWERS EXCHANGE

APPLICATION FOR INCREASE IN DUTY ON ALMONDS

JULY 12, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Almonds, shelled, 16½¢ per pound, par. 756... Almonds, blanched, roasted, or otherwise prepared or preserved, 18½¢ per pound, par. 756.	Increase in duty..	July 8, 1948	California Almond Growers Exchange, Sacramento, Calif.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 48–6429; Filed, July 19, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11524]

WILHELM BENECKE ET AL.

In re: Stock owned by and debts owing to Wilhelm Benecke and others and certificate of deposit owned by Emilie Terlinden, also known as Emmy Terlinder.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in Exhibit A, attached hereto, and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of no par value common stock of Sinclair Oil Corporation (formerly known as Consolidated Oil Corporation), 630 Fifth Avenue, New York 20, New York, a corporation organized under the laws of the State of New York, evidenced by certificates registered in the names of the persons listed below, in the amounts and numbered as set forth opposite each such name:

Registered owner	Number of shares	Certificate No.
Wilhelm Benecke	5	LA02407
Ludwig Geis	10	028 544
Ernst Hiester	4	0319, 319
Miss Mary Rhode	5	050, 456
P. A. Vierlinger	1	0319, 326

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Benecke, Ludwig Geis, Ernst Hiester, Miss Mary Rhode, and P. A. Vierlinger, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Wilhelm Benecke by Petroleum Corporation of America, 40 Wall Street, N. Y. 5, N. Y., in the amount of $8.10, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership of control by, Wilhelm Benecke, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. One Certificate of Deposit representing $500.00 principal amount Hotel Graemere Company 6% 1st Mortgage Bonds, said certificate numbered 14915 of $500.00 face value, registered in the name of Burghard Terlinden, and presently in the custody of City Bank Farmers Trust Company, Corporate Trust and Coupon Paying Department, 22 William Street, New York, N. Y., and any and all rights thereunder and thereto, together with all rights of exchange for shares of common stock of the aforesaid Graemere Hotel Company, and all declared and unpaid dividends on such stock,

b. Ten (10) shares of $5.00 par value capital stock of Petroleum Corporation of America, 40 Wall Street, New York 5, New York, evidenced by a certificate numbered NYO 1623, registered in the name of Burghard Terlinden, and presently in the custody of the aforesaid Petroleum Corporation of America, together with all declared and unpaid dividends thereon, and any and all outstanding dividend checks.

c. Four (4) shares of no par value common stock of Sinclair Oil Corporation (formerly known as Consolidated Oil Corporation), 630 Fifth Avenue New York 20, N. Y., a corporation organized under the laws of the State of New York, evidenced by certificates numbered LA02,454, LA021,611, LA030,760, and LA040,509, for one share each, registered in the name of Burghard Terlinden, said certificates numbered LA021,611, LA030,760 and LA040,509, presently in the custody of Petroleum Corporation of America, 40 Wall Street, New York 5, N. Y., together with all declared and unpaid dividends thereon, and

d. Those certain debts or other obligations evidenced by two (2) checks, one drawn by the Consolidated Oil Corporation on the Chase National Bank of New York, numbered 83484 in the amount of twenty-one (21) cents, and the other drawn by the Petroleum Corporation of America on the Commercial Trust Company of New Jersey, Jersey City, N. J., numbered 47, in the amount of $3.60, both checks presently in the custody of Mrs. Lizzie Frank, RFD No. 2, Warsaw, Illinois, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of and to present the aforesaid checks for payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emilie Terlinden, also known as Emmy Terlinder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Address	OAP File No.
Wilhelm Benecke	Wilk Strasse 55, Berlin Zehlendorf West, Germany	F-28-25549-A-1, D-1.
Ludwig Geis	Georg. Kalbstr. 8, Grosshesselohe, Germany	F-28-27880-D-1.
Ernst Hiester	82 Richard Wagnesstrasse, Manheim, Germany	F-28-27881-D-1.
Miss Mary Rhode	c/o Mrs. Volker, Wilhelmstr 20, Seebad, Heringsdorf, Germany.	F-28-27883-D-1.
P. A. Vierlinger	Surthestr. 26, Rodenkirchen, Cologne, Germany	F-28-27884-D-1.
Emilie Terlinden, also known as Emmy Terlinder.	Mulheim Ruhr, Spaldorf, Lutherstr. 5, Germany (22a).	F-28-25047-A-1. F-28-23613-A-1, D-1, D-2, D-3.

[F. R. Doc. 48-6455; Filed, July 19, 1948; 8:51 a. m.]

[Vesting Order 11570]

MAX DUSSEL

In re: Rights of Max Dussel under insurance contract. File No. F-28-24743-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Dussel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4917233A, issued by the Metropolitan Life Insurance Company, New York, New York, to Max Dussel, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6448; Filed, July 19, 1948; 8:50 a. m.]

[Vesting Order 11571]

IWA HATASHITA

In re: Rights of Iwa Hatashita under insurance contract. File No. D-39-4523-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iwa Hatashita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,098,331, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Toramatsu Hatashita, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6449; Filed, July 19, 1948; 8:50 a. m.]

[Vesting Order 11572]

FRANCES HERSHAM

In re: Rights of Frances Hersham under insurance contract. File No. F-28-118-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Hersham, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 640231, issued by The Guardian Life Insurance Company of America, New York, New York, to John H. Hersham, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6450; Filed, July 19, 1948; 8:50 a. m.]

[Vesting Order 11574]

MINORU IKOMA

In re: Rights of Minoru Ikoma under insurance contract. File No. F-39-60-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Ikoma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7702757, issued by the New York Life Insurance Company, New York, New York, to Minoru Ikoma, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6451; Filed, July 19, 1948; 8:51 a. m.]

[Vesting Order 11575]

AUGUST KLUGER

In re: Rights of August Kluger under insurance contract. File No. F-28-26647-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Kluger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2097796, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Regina Kluger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6452; Filed, July 19, 1948; 8:51 a. m.]